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HOUSE OF REPRESENTATIVES
REPORT
No. 97-555

SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982

MAY 17, 1982.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HOWARD, from the Committee on Public Works and Transportation, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 6211]

[Including cost estimate and comparison of the Congressional Budget Office]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 6211) to authorize appropriations for construction of certain highways in accordance with title 23, United States Code, for highway safety, for mass transportation in urban and rural areas, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause of the bill and inserts a new text which appears in italic type in the reported bill.

INTRODUCTION

The Surface Transportation Assistance Act of 1982 charts a new course for Federal policy governing highways and mass transit, greatly increasing emphasis on preservation, redevelopment, and selective expansion of the existing transportation infrastructure that remains critical to the economic well-being of the nation. The measure reported to the House by the Committee represents a response to demonstrated needs in terms of deterioration of physical facilities and capacity overwhelmed by demand, documented in more than a dozen hearings during the 97th Congress which elicit-

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ed extensive testimony from a diverse array of witnesses. At the same time, the bill provides increased flexibility enabling State and local officials to devise their transportation programs in response to their unique needs. And it reflects the Committee's continuing effort to make the surface transportation programs under its jurisdiction more stable, predictable, and less encumbered by red tape and inflexible requirements.

Authorization levels in this bill and, indeed, all major substantive modifications in programs are premised on revenue increases proposed by the Secretary of Transportation in an amount equivalent to an increase of five cents per gallon in the Federal excise tax on motor fuels. It also assumes that one cent of the revenue increase will be dedicated for public transportation through a Public Transportation Trust Fund established in legislation initiated by the Committee on Ways and Means, with the remainder going into the Highway Trust Fund. The bill thus preserves the options available to the Congress in the event such an increase is enacted; failing that, the measure will of necessity be scaled down in light of continuing funding constraints.

H.R. 6211 provides continuing authorizations for Federal-aid highways under Title I, highway safety under Title II, and public transportation under Title III. Title IV contains a Buy America provision applying to all programs under the Act.

Title I, the Federal-Aid Highway Act of 1982, proposes program levels of $12.3 billion in FY 1983, $12.8 billion in FY 1984, $13.6 billion in FY 1985, and $14.5 billion for FY 1986. The Interstate System is authorized at $4.0 billion for each of the fiscal years 1984 through 1990.

Expeditious completion of the Interstate System, clearly the System of highest Federal responsibility, remains a top concern. An updated version of the 1981 Interstate Cost Estimate, which substantially reduced the overall cost to complete the System, will be used as the basis for apportioning Interstate completion funds. Current deadlines for withdrawing segments and beginning construction are continued. Of the $4 billion to be apportioned annually, $300 million will be set aside for Interstate discretionary projects. The Interstate discretionary funds will further be enhanced by lapsed Interstate funds which will continue to be available to the Secretary to distribute to States with high cost projects. Also, when a project is withdrawn from the Interstate System, an amount equal to the amount by which the unobligated balance is reduced will be added to the discretionary fund.

For the first time, specific authorizations, Trust Fund financing, and contract authority are provided for highways substituted for Interstate segments under 23 U.S.C. 103(e)(4), making their completion a more realistic possiblity. The $775 million authorized for each of the fiscal years 1983 through 1986 will be made available on the basis of an estimate of the cost of completing substitute highway projects which the Secretary will be required to make. The funds will be available one year and then redistributed to other States having substitute projects.

As the System is completed, emphasis is placed on its preservation. For Interstate resurfacing, restoration, rehabilitation, and reconstruction, authorizations are raised from the current $800 mil-

lion provided for FY 1983 to $2.1 billion for FY 1984, increasing to $3.1 billion for FY 1987. The existing formula would be revised to channel more funds to the heavily traveled Interestate routes. Provision is made for limited transfer of Interstate completion funds to Interstate 4R, giving the States more flexibility in meeting the total needs of the Interstate System.

Funding for system-related highway programs is continued. Primary system authorizations are raised by $500 million to $2.0 billion for FY 1983 and are increased to $2.5 billion in FY 1986. The primary apportionment formula is revised to be based one-half on rural population and one-half on urban population. Secondary system authorizations are set at $600 million annually, and the urban system will receive authorizations of $800 million annually. In the use of these funds, States are given more discretion. For example, the transfer of urban system funds among urban areas within a State is liberalized.

The Committee has recognized that the proliferation of categories has essentially prevented the States from making funding allocations that are responsive to individual State needs. This bill eliminates separate funding for many of these categories but permits their purposes to be met through use of regular Federal-aid system funds with a 95 percent Federal share. The group of programs for which no separate authorizations are provided includes economic growth centers, bicycle projects, carpool and vanpool projects, Great River Road, access to public recreation areas on certain lakes, railway crossing demonstration program, and priority primary.

Other amendments are intended to eliminate waste and excess associated with Federal programs. The highway beautification provision is intended to deregulate to the maximum extent practicable the Federal control over outdoor advertising signs. To reduce the time required from the request for project approval through the completion of construction, the Secretary of Transportation is required to establish alternative methods for processing projects. Also, a study on competitive bidding is mandated. The establishment of a coordinated Federal lands program, to be administered by the Secretary of Transportation, will streamline the administrative procedures related to implementing the programs for forest highways, public lands highways, park roads, parkways, and Indian reservation roads and bridges.

The truck size and weight provisions are revised to require States to allow double trailers, weights of 80,000 pounds, and widths of 102 inches for all trucks operating on the Interstate System.

Title II greatly increases the authorizations for bridge replacement and rehabilitation. The funding level is set at $1.5 billion for FY 1983 and increases to $2.1 billion for FY 1986. The funds will be distributed on a revised formula that takes into account the unit price on a State-by-State basis of on-System and off-System bridges eligible for rehabilitation and replacement. The maximum amount that any one State may receive is raised to ten percent of the total apportioned. Advance construction of bridge projects will permit the States to proceed as quickly as possible in meeting their bridge needs.

Title II also continued funding for several permanent highway safety programs. The highway section 402 program is funded at $100 million for each of the fiscal years 1985 and 1986, continuing the funding for FY 1983 and FY 1984 provided by the Omnibus Reconciliation Act of 1981.

New safety programs established would provide grants for the States with effective programs to reduce the traffic safety problems resulting from drunk drivers and would set up a new and improved National Driver Register for the purpose of transferring information between States concerning the motor vehicle driving records of individuals.

Title III, the Federal Public Transportation Act of 1982, extends the Federal transit program for four years at increased authorization levels and restructures the grant process by establishing a unitary authorization. Under the new procedure, 25 percent of each year's authorization will be available through a Public Transportation Trust Fund on the basis of contract authority to find discretionary capital projects. The remaining 75 percent, available for both capital and operating purposes, is subject to the regular appropriations process and is apportioned among communities on the following basis: 88.34 percent to communities over 200,000, 8.73 percent to communities from 50,000 to 200,000, and 2.93 percent to communities under 50,000.

In addition, Title III provides financial incentives to communities for increases in transit productivity, limits Federal operating aid to 1982 levels, encourages communities to use operating assistance for capital purposes, stresses the need for adequate maintenance, adds flexibility to procurement procedures, and strengthens existing Buy America provisions.

TITLE I—FEDERAL AID HIGHWAY ACT OF 1982

SECTION 101. SHORT TITLE

This section provides that the title may be cited as the "Federal-Aid Highway Act of 1982."

SECTION 102. REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

This section revises the authorizations for Interstate construction for eac of the fiscal years 1984 through 1990 from $3.625 billion per fiscal year to $4 billion per fiscal year.

SECTION 103. APPROVAL OF INTERSTATE COST ESTIMATE

This section approves the use of the apportionment factors contained in revised table 5 of Committee Print 97-44 of the House Committee on Public Works and Transportation to apportion the Interstate construction funds authorized for fiscal year 1984.

SECTION 104. OBLIGATION CEILING

Subsection (a) of this section provides a limitation of $12.2 billion for fiscal year 1983, $12.7 billion for fiscal year 1984, $13.5 billion for fiscal year 1985, and $14.4 billion for fiscal year 1986 on obliga-

tions for Federal-aid highways and highway safety construction programs, excluding obligations for emergency relief, for the U.S. Grant Bridge and the East Huntington Bridge in Ohio and West Virginia, and for the Woodrow Wilson Bridge located in the District of Columbia, Maryland, and Virginia.

Subsection (b) specifies a formula to distribute available obligational authority in fiscal year 1983, 1984, 1985,and 1986, based upon funds apportioned by legislative or administrative formula and upon funds allocated without a formula. In rejecting a proposal to distribute obligational authority soley on the basis of funds "apportioned by legislative or administrative formula," the Committee intends that discretionary and other nonformula fund allocations also be considered in the distribution of obligational authority. If allocations are unkown or undecided at the time obligational authority is initially made available to the States, an estimated fair proportion of obligational authority should be held back for distribution at the appropriate time. (The Committee recognizes that subsequent adjustments may have to be made.) For example, a fair proportion to be held back at the beginning of the fiscal year could be the ratio of the total of estimated discretionary and other nonformula funds to the total of contract authority for Federal-aid highways (including estimated lapses into the Interstate acceleration fund) multiplied by the obligation limitation after deduction for forest highways and administrative expenses. Whenever States receive an allocation, a proportional amount of obligational authority should also be made available.

Subsection (c) provides that, during the fiscal year 1983, 1984, 1985, and 1986, no State may obligate more than 35 percent of its annual obligational authority allocation during the first quarter of the fiscal year for which the authority was allocated. No more than 25 percent of the total amount allocated to all the States may be obligated during the first quarter of the fiscal year for whch the authority was allocated.

Subsection (d) provides that sufficient authority be provided by the Secretary to all States to prevent lapse of funds except to the extent States indicate an intention to lapse Interstate construction funds. After August 1 of each of the fiscal years 1983 through 1986, obligational authority shall be withdrawn from any State not able to obligate its share and redistributed to States which are able to obligate, with priority given to States having large balances of unobligated apportioned funds. The Secretary shall not allocate amounts authorized for administrative expenses and forest highways.

Subsection (e) conforms the Omnibus Budget Reconciliation Act of 1981 to the provisions of this section.

SECTION 105. AUTHORIZATIONS

Subsection (a) of this section provides authorizations for each of the fiscal years 1983, 1984, 1985, and 1986 for the various types of Federal-aid highway programs.

Paragraph (a)(1) provides authorizations out of the Highway Trust Fund (HTF) for the primary system of $2 billion for the fiscal year 1983, $2.1 billion for the fiscal year 198[illegible] 2.2 billion for the

fiscal year 1985, and $2.5 billion for the fiscal year 1986, and provides authorizations out of the HTF for the secondary system of $600 million per fiscal year for each of the fiscal years 1983, 1984, 1985, and 1986.

Paragraph (a)(2) provides authorizations out of the HTF for the urban system of $800 million per fiscal year for each of the fiscal years 1983, 1984, 1985, and 1986.

Paragraph (a)(3) provides authorization for Indian reservation roads and bridges of $83 million per fiscal year for each of the fiscal years 1983, 1984, 1985, and 1986.

Paragraphs (a)(4) and (a)(5) provide authorizations for the territorial highway program of $5 million per fiscal year for each of the fiscal years 1983, 1984, 1985, and 1986 for the Virgin Islands, $5 million per fiscal year for each of the fiscal years 1983, 1984, 1985, and 1986 for Guam, $1 million per fiscal year for each of the fiscal years 1983, 1984, 1985, and 1986 for American Samoa, and $1 million per fiscal year for each of the fiscal years 1983, 1984, 1985, and 1986 for the Commonwealth of the Northern Mariana Islands.

Paragraph (a)(6) provides authorizations out of the HTF for forest highways of $33 million per fiscal year for each of the fiscal years 1983, 1984, 1985, and 1986.

Paragraph (a)(7) provides authorizations out of the HTF for public lands highways of $16 million per fiscal year for each of the fiscal years 1983, 1984, 1985, and 1986. The Committee believes that the portion of the T-430 access road project in Huntingdon County, Pennsylvania, which is included solely within Federal lands is the type of project that should be considered under this section.

Subsection (b) of this section repeals section 151 of the Federal-Aid Highway Act of 1978. Section 151 provides for a connector primary demonstration project to upgrade routes on the primary system between Las Cruces, New Mexico, and Amarillo, Texas, and between Lubbock, Texas, and Interstate Route 10.

Subsection (c) of this section provides that in fiscal years 1983 and 1984, each State with funds available for obligation on the primary system in excess of the amount of Primary funds apportioned to such State for fiscal year 1982 shall give priority consideration to priority primary routes designated in Committee print numbered 97-45 of the House Committee on Public Works and Transportation. The purpose of this amendment is to recognize that the elimination of separate authorizations for priority primary project could lead to delay in completion of such projects. For example, the State of Arkansas would be required to give priority consideration to use of its primary system apportionments, to the extent such apportionments are increased as a result of authorization levels contained in this legislation, on the priority primary project on U.S. 71 between Interstate Route 40 and the Missouri border.

Subsection (d) of this section provides that in fiscal years 1983 and 1984, each State with funds available for obligation on the primary, secondary, or urban systems in excess of the amount of primary, secondary, and urban funds, respectively, apportioned to such State for fiscal year 1982, shall give priority consideration to railroad-highway crossing demonstration projects authorized by

section 163 of the Federal-Aid Highway Act of 1973 on the primary, secondary, or urban system, respectively.

SECTION 106. INTERSTATE RESURFACING

This section revises the authorization for Interstate resurfacing (Interstate 4R) from $800 million to $2.1 billion for the fiscal year 1984 and provides new authorizations for Interstate 4R of $2.4 billion for the fiscal year 1985, $2.8 billion for the fiscal year 1986, and $3.1 billion for the fiscal year 1987.

SECTION 107. INTERSTATE TRANSFERS

Paragraph (a)(1) of this section would strike the eighth sentence of 23 U.S.C. 103(e)(4), which provides that "there are authorized to be appropriated for liquidation of the obligations incurred under this paragraph such sums as may be necessary out of the general fund of the treasury." Provisions would be inserted in lieu of the eighth sentence which would make available $775 million per fiscal year for each of the fiscal years 1983, 1984, 1985, and 1986 out of the Highway Trust Fund (HTF) for substitute highway projects. The availability of HTF financing would effectively restore contract authority to substitute highway projects. Twenty-five percent of the funds available in a fiscal year for substitute highway projects would be allocated at the discretion of the Secretary of Transportion. The remaining 75 percent would be apportioned on the basis of estimates of the cost to complete substitute highway projects prepared by the Secretary of Transportation and approved by the Congress. The first cost estimate would be submitted to the Congress as soon as practicable after enactment of paragraph (a)(1) and when approved by the Congress would be the basis for apportionments for the fiscal years 1983 and 1984. A revised cost estimate would be submitted to the Congress within ten days subsequent to January 2, 1984, and when approved by the Congress would be the basis for apportionments for the fiscal years 1985 and 1986.

Further provisions of paragaraph (a)(1) would authorize such sums as may be necessary from the general funds of the Treasury for substitute transit projects. Funds appropriated for substitute transit projects would be distributed in a manner like that proposed for funds authorized for substitute highway projects. Twenty-five percent of the funds would allocated at the discretion of the Secretary of Transportion and 75 percent would be apportioned based upon estimtes of the cost to complete substitute transit projects prepared by the Secretary and approved by the Congress.

The Committee expects and intends that the Secretary will expeditiously approve funding for substitute highway and transit projects in the State of New Jersey and in the areas of Chicago, Illinois, Sacramento, California, and Philadephia, Pennsylvania, from funds other than those made available to these areas by formula.

Paragraph (a)(2) of this section would strike the sixth sentence of 23 U.S.C. 103(e)(4) which provides: "The sums available for obligation shall remain available until obligated." Provisions would be inserted in lieu of the sixth sentence, which would provide a period of availability for substitute highway and transit apportioned funds

of one year. Apportioned sums not obligated would be reapportioned among other States having substitute projects.

Subsection (b) of this section would cause the amendments in subsection (a) to take effect on October 1, 1982, for substitute highway projects obligated after October 1, 1982.

Subsection (c) of this section would establish that no Interstate route or segment statutorily designated after March 7, 1978, is eligible for withdrawal or substitution under 23 U.S.C. 103(e).

Subsection (d) of this section would limit existing provisions which provide that the base cost of a withdrawal is as shown in the latest approved Interstate Cost Estimate. The 1983 cost estimate would be used to establish the base cost for all withdrawals approved after the approval of the 1983 cost estimate. Inflation adjustments in base costs would be made until the date of approval of the 1983 cost estimate or the date of project approval of a substitute project, whichever is earlier.

Subsection (e) of this section would allow the Secretary of Transportation to make an exception from the September 30, 1983, deadline for concept approval of Interstate route withdrawals where a judicial injunction in effect on May 12, 1982, is prohibiting the construction of that route. The Secretary may extend such date for a reasonable period of time so as to allow litigation to be concluded and time to process any withdrawal if that should be the ultimate decision with respect to the route. The purpose of this provision is to assure that no proposed Interstate highway project for which construction is prohibited by judicial injunction in effect on May 12, 1982, be rendered ineligible for withdrawal and substitution under section 103(e)(4) during a reasonable period subsequent to September 30, 1983, solely because of such an injunction.

Subsection (f) of this section would extend the advance construction procedures of 23 U.S.C. 115 now applicable to the Interstate system to substitute highway projects approved under 23 U.S.C. 103(e)(4).

Subsection (g) of this section would extend the bond retirement provisions of 23 U.S.C. 122 now applicable to the Interstate System to substitute highway projects approved under 23 U.S.C. 103(e)(4).

SECTION 108. PRIMARY FORMULA

This section would amend 23 U.S.C. 104(b)(1) to change the formula to apportion Federal-aid primary authorizations. The new formula would be based one-half on rural population and one-half on urban population. The present formula is based upon area, rural population, mileage of postal routes, and urban population.

SECTION 109. INTERSTATE SYSTEM REHABILITATION AND RECONSTRUCTION

This bill provides for a change in the Interstate 4R apportionment formula. For resurfacing, restoration, rehabilitation, and reconstruction (Interstate 4R) funds apportioned in accordance with 23 U.S.C. 104(b)(5)(B), beginning with fiscal year 1984 to be apportioned on October 1, 1982, the distribution formula will be based one-third on vehicle miles traveled, one-third on gasoline used, and one-third on diesel fuel used in the individual States.

The 1981 Highway Act also made a change in this formula in order to increase the emphasis on the burden of traffic volumes that the Interstate System was carrying. That Act changed the formula from 75 percent lane-miles and 25 percent vehicle-miles traveled to 55 percent lane-miles and 45 percent vehicle-miles traveled. This legislation continues that emphasis and goes further in reflecting the heavy traffic demands on the System. VMT was selected rather than lane-miles since it better reflects usage of the System. The Committee believes it is necessary to reflect System usage by heavier vehicles, such as trucks, in the apportionment formula and has done so by including diesel fuel as part of the formula.

Therefore, it is the intent of this formula to capture appropriate surrogates for these factors, understanding that both the diesel fuel and gasoline consumption data represent statewide rather than System specific data. Diesel fuel consumption reflects heavy truck traffic and both diesel fuel consumption and gasoline consumption levels would be influenced by terrain and weather. More fuel is consumed in poor weather and in rugged terrain. Also, fuel consumption data is published annually by the Federal Highway Administration and therefore is credible and readily available.

In deriving the apportionment formula, it is the intention of the Committee that established recordkeeping systems be used to determine gasoline and special/diesel fuel sales in each of the individual States and not to initiate additional statistical recordkeeping unless necessary. It is also the intention to use diesel/special fuel sales in each State at the point of delivery to the vehicle using the fuel as opposed to bulk fuel sales on the wholesale level which may occur in only a few States not representative of the fuel actually "used by motor vehicles in each State."

SECTION 110. ENERGY-IMPACTED ROADS

This provision is intended to place greater emphasis on the improvement of energy-impacted roads. It does this by increasing the Federal share to 85 per centum for 4R projects on roads which the Secretary has determined, at a State's request, are energy-impacted roads. The provision also allows the States to give priority to such projects in their annual program to utilize title 23 funds and allows the Secretary to give priority to such projects when approving programs.

SECTION 111, COST REDUCTION

This section directs the Secretary of Transportation to require that every project on any Federal-aid system which will have construction costs of $2 million or above be subjected to value engineering design review.

In the past five years the FHWA has sponsored through the National Highway Institute more than 70 value engineering workshops in 40 or more States. Under that program the agency has trained more than 1,500 highway professionals and technicians in the discipline and techniques of value engineering. Thus there exist sufficient people in the State transportation departments and in the private sector to conduct the program that this section man-

dates. In addition, the Environmental Protection Agency, the Corps of Engineers and the Naval Facilities Engineering Command all have mature value engineering programs on which the FHWA could draw in developing its own program.

The $2,000,000 would target projects that account for about 15% of the total number and about 65% of the total funds for construction. If reduced to a threshhold of $1,000,000, the corresponding figures would be 20% of the projects and 80% of the funds.

Thus, although the provision mandates value engineering reviews at $2,000,000 or above, the committee encourages the use of this discipline for projects of a lesser cost wherever the effort would provide a favorable return on investment of 10:1 or better.

SECTION 112. RESURFACING, RESTORATION, AND REHABILITATION (RRR) STANDARDS

The purpose of this provision is to specify that standards adopted by the Federal Highway Administration for new construction projects on the Federal-aid primary, secondary, and urban systems shall also apply to all nonfreeway resurfacing, restoration, and rehabilitation (RRR) projects on those systems, unless the Secretary of Transportation or his designee on request of the State highway agency grants a specific exception or exceptions to these standards.

The requirements of this provision are intended to require the Federal Highway Administration to continue the current practice for nonfreeway RRR projects without alteration of the scope of the waivers currently being granted.

SECTION 113. VENDING MACHINES

This section amends section 111 of title 23, United States Code, by inserting a new subsection (b) therein. This new provision allows States to permit the placement of vending machines in rest and recreation areas and in safety rest areas on the Interstate System. This section is an outgrowth of the demonstration project authorized by section 153 of the Federal-Aid Highway Act of 1978.

The vending machines which States may permit to be placed in these areas are limited to those which dispense such food, drink, and other articles as the State highway department determines appropriate and desirable. The machines are to be operated by a State agency authorized to issue licenses for the operation of concessions located on Federal property and operated by the blind, and the costs of installation, operation, and maintenance are not eligible for Federal reimbursement.

SECTION 114. LETTING OF CONTRACTS

This section changes the exception to the general requirements of competitive bidding (23 U.S.C. section 112) from a finding by the Secretary that some other method is in the public interest to a demonstration by the State highway department to the satisfaction of the Secretary that some other method is more cost-effective. This section also repeals the exemption from competitive bidding requirements for Federal-aid secondary projects advanced under certification acceptance.

The Committee encourages the Department of Transportation in cooperation with State highway departments to develop appropriate cost comparison standards in implementing this section. Cost comparison standards that will provide for effective cost comparisons with a minimum amount of redtape are encouraged.

SECTION 115. CONSTRUCTION BY STATES IN ADVANCE OF APPORTIONMENT

This section amends 23 U.S.C. 115 by changing from January 1, 1978, to January 1, 1983, the date governing the payment of bond interest as an eligible cost of construction for advance construction of Interstate projects which are under construction on, and converted to regular funding after, the governing date.

The section authorizes the Secretary to pay interest on bonds issued after the date of enactment of this Act to the extent that the proceeds from the sale of bonds are expended for the construction of projects on the Interstate System.

If the rate of inflation in construction (over the life of the project) exceeds the rate of interest on the bonds, the entire amount of the interest is eligible for reimbursement from future apportionments. If the rate of inflation in construction is less than the rate of interest on the bonds, only the amount of interest calculated at the rate of inflation may be reimbursed.

In addition to the amendments being made to section 115, title 23, with reference to bonding of advance construction of Interstate projects, existing provisions of section 122 which relate to such bonding should be administered so as to allow the States to take advantage of these provisions to expedite completion of the Interstate System. It is the Committee's understanding that the current interpretation of the provisions of section 122 has resulted in no State utilizing this section which was provided by Congress as an important tool for the expeditious completion of the System. In determining whether States have met the provisions of section 115(c) of the 1978 Federal-aid Highway Act, which require a State to utilize to the fullest extent possible during the fiscal year its authority to obligate all apportioned Interstate funds available to the States, full consideration is to be given to the obligational limits imposed. States which have exhausted their obligational limit shall be deemed to have met this requirement. Further, the provisions of section 115(b)(2), title 23, cutting off the eligibility of interest costs at the date of conversion shall not apply to interest costs incurred under sections 115(a) and 115(b)(1) and under section 122. All interest costs incurred during the conversion period shall be considered eligible costs for projects carried out under the provisions of such sections.

SECTION 116. ADVANCE CONSTRUCTION FOR BRIDGE PROJECTS

This section extends the availability of advance construction provisions to bridge projects under the Highway Bridge Replacement and Rehabilitation Program (23 U.S.C. 144). The approval of a bridge project under this subsection is conditioned on the availability of an authorization which is in effect for the fiscal year for which the application is sought beyond the currently authorized

funds for such State and that the approval will not exceed the State's expected apportionment of such authorization.

SECTION 117. MAINTENANCE

This section would amend subsection 116(c) of title 23, United States Code, to permit the Secretary to withhold project approval on the Federal-aid system involved for projects in specific areas within a State, or for the entire State, where the Secretary finds that a project is not being properly maintained. Under present law, the Secretary must withhold project approval for the entire State for all projects when a single project is not being properly maintained. Present law does not represent a practical enforcement sanction. Stopping all project approvals in an entire State could involve massive disruption of planning and considerable economic waste. The amendment provides a practical enforcement sanction which should be an effective tool in enforcing compliance with maintenance requirements.

SECTION 118. INTERSTATE DISCRETIONARY FUNDS

The Interstate Construction Discretionary Fund, as established by the 1978 Act, has proven beneficial in assigning funds where they are most urgently needed. The Committee has examined the existing provisions and has identified several improvements which can be made. This bill makes the funds truly discretionary rather than providing the funding on a "first come-first served" basis. The Committee believes that increased benefits can be derived by permitting the Seretary to prioritize the allocation of these funds, first, for high cost projects which are on segments not open to traffic and, second, for projects which are high cost in relation to a State's apportionment. This prioritization will facilitate early completion of the Interstate System. The Interstate Construction Discretionary Fund is currently formed from only lapsed funds. This bill will set aside an additional $300 million, and the reduction to a State's unobligated balance associated with 23 U.S.C. 103(e)(4) withdrawals will also be added to the fund.

The Committee believes that I-105 in Los Angeles is an excellent example of the high cost Interstate gaps that the Secretary should fund on a priority basis from the Interstate Discretionary program. It is an exceptionally expensive gap on the nation's Interstate System, and it is one that the State would have a difficult time funding out of its normal apportionment.

Also of concern to the Committee is the uncompleted portion of Interstate 10, the Papago Freeway, through the downtown section of Phoenix,. Arizona. Although years of planning have been invested in this last essential link of Arizona's Interstate System, completion has been frustrated by lawsuits and a series of time-consuming Federal requirements and procedures. The Committee understands that these obstacles now have been overcome and that design hearings have been completed, design consultants are under contract, and there is rapid movement toward design completion. To insure the early completion of this important Interstate segment, the Secretary of Transportation is directed to give priority consideration to the Papago Freeway in the allocation of discretionary funds.

This bill also creates an Interstate 4R Discretionary Fund. The Committee believes the goal of preserving the Interstate System can be better achieved by allowing States with 4R needs in excess of their apportionments to utilize these funds rather than lapsed funds being returned to the Trust Fund.

A locality's highway transportation system is a key element in the establishment and maintenance of a strong local economy. Knowing that a well developed highway transportation system eases the shipment of products to distant markets frees business and industry to base siting decisions on other factors. Conversely, regardless of an area's attractiveness to business and industry, no firm will locate in a region not serviced by good highways.

The Federal-Aid Highway Act of 1956 clearly recognizes this principle. In establishing the National System of Interstate and Defense Highways, Congress noted it was taking such action because existing highways were "in fact inadequate to meet the needs of local and interstate commerce. . . ." The importance of an area's highway transportation system was emphasized further in 1965 when the comprehensive Appalachian Regional Development Act was passed to reverse the long standing economic deterioration of this region of the country. The primary emphasis of the Act was on "the construction of a developmental highway system to provide access to isolated sections of the (Appalachian) region and to make possible a greater flow of industry and tourism within the region."

Because of the economic difficulties faced by the nation and many regional economies, the Committee wants to reemphasize the importance of an area's highways to its local economy. The Committee wants the Secretary to encourage the States and nation's communities to maximize their highway transportation assets. For example, the Secretary should encourage the States to take advantage of 23 U.S.C. 139, "Additions to the Interstate System." Interstate designations under this provision create no additional Federal financial responsibility, nor is mileage charged against the 42,500-mile Interstate System limitation imposed by 23 U.S.C. 103(e). Yet, an Interstate designation would dramatize greatly a locality's access to the nation's Interstate System and enhance efforts to keep or attract business and industry.

One locality which might benefit from such encouragement is Williamsport, Pennsylvania. Traditionally, Williamsport has a strong and stable economy. Now, despite the advantage of a trained work force, the area is having difficulty attracting new business and suffers from high unemployment. Interstate designation of Routes 220 and 147 linking Williamsport to I-80 would call attention to the area's close proximity to the Interstate System and be a positive contribution to local efforts to attract business to this part of Central Pennsylvania. The Committee understands that the segments of Routes 220 and 147 linking Williamsport to I-80 meet the eligibility criteria of 23 U.S.C. 139.

SECTION 119. INTERSTATE SYSTEM RESURFACING TRANSFERS

This section permits the transfer of Interstate construction apportionments that do not exceed the Federal share of the cost of Interstate segments open to traffic (other than high occupancy ve-

hicle lanes) in the most recent cost estimate to Interstate resurfacing (4R) apportionments. Not more than one-half of a State's Interstate construction apportionment for a fiscal year may be transferred in that fiscal year. Subsequent Interstate cost estimates shall be reduced in an amount equal to the amount transferred.

In nationwide consensus positions on new Federal highway legislation adopted by the National Governors' Association (NGA) and the American Association of State Highway and Transportation Officials (AASHTO), Interstate completion and preservation were recognized as twin goals of the Interstate highway program.

Among their key recommendations for reaching these goals was a proposal to provide for transferability between Interstate programs, at the option of the State, in order to help overcome regional differences in System requirements and to help States shift emphasis from completion to preservation.

The intent of this section is to assist States in meeting unique, high-cost project needs, in addition to more basic ongoing restoration/preservation requirements and to assist States in transition to the Interstate program structure now in effect as a result of the 1981 Highway Act.

SECTION 120. FEDERAL SHARE

Subsection (a) of this section would establish a Federal share for Interstate Resurfacing (4R) projects financed with primary funds as if the projects were financed with Interstate 4R funds.

The Interstate Highway System is the highest priority Federal System in terms of meeting both completion and preservation requirements. Given the decline in Interstate pavement condition and the increase in bridge deterioration, many States have used, and will continue to use, primary funding for Interstate 4R work even though large increases in Interstate 4R authorizations are being proposed. Currently, States have the flexibility to use Primary apportionments on the Interstate. However, the 75 percent Federal share for the primary program applies.

By increasing the Federal share to 90 percent, this section further expresses the identified Federal priority for Interstate completion/preservation, so as to enhance the current flexibility now afforded to States when primary funds are used in support of meeting Interstate System requirements.

Subsection (b) of this section would permit a Federal share of 100 percent for certain pavement markings projects.

At present, mandatory marking provisions relate to Interstate highways only. The Federal Highway Administration's Office of Highway Safety has requested that lane lines be made mandatory on multi-lane highways and that center lines be made mandatory on all paved highways (with certain exceptions).

The Committee has received testimony reflecting concern that the repeal of the pavement marking demonstration program, which funded projects at 100 percent, may cause a reluctance by the States to mark many thousands of miles of unmarked roads.

Further, the governor's Alcohol and Highway Safety Task Force, State of New York, recommended more frequent application of road striping, as well as the conduct of pilot programs to determine

the effectiveness of wider edgelines and raised pavement markers to assist both drinking and nondrinking drivers to stay on the road and in the correct lane.

Subsection (c) of this section would provide a Federal share of at least 95 percent for economic growth center development highways projects, carpool and vanpool projects, Great River Road projects, projects for access highways to public recreation areas on certain lakes, bicycle projects, certain railroad-highway crossing demonstration projects, and certain priority primary projects which the Committee has identified as eligible routes.

The Committee expects and intends that the portion of the T-430 access road projection in Huntingdon County, Pennsylvania, starting at Legislative Route 31109 and extending 1.5 miles in Springfield and Juniata Townships to the boundary of the public lands should be eligible for 95-5 Federal funding out of the State's secondary road allocation. Also, on the same project, the portion extending 4.9 miles from the public lands boundary to the base of the Raystown Dam should be eligible for 100 percent Federal funding out of the State's secondary road allocation.

The Committee intends and expects that the bikeway project in Bedford, Pennsylvania (Bedford County), running 1.4 miles from a point in Bedford to the Bedford Historic Village, should qualify to receive 95-5 Federal funding under this section.

Route 219 and the Elm-Oak Arterial extension in New York also qualify for 95-5 funding under this section as priority primary routes.

Route 219 is a major North/South arterial highway running from Buffalo, New York, through Pennsylvania, Maryland, and West Virginia to its southern terminus at Rich Creek, Virginia. The highway is a primary link between the industrial areas of Buffalo and Western New York and the coal fields of Pennsylvania and West Virginia. Route 219 has been identified as a major coal haul road in New York State with haul volumes of over 5,000 tons per year.

One 6.5 mile section of Route 219 which runs together with Route 17, southeast of Salamanca, has been delayed by the Corps of Engineers and the Department of the Interior for many years pending the approval of a section 404 fill permit. The project requires relocation of a portion of the Allegheny Creek. An Environmental Impact Statement for the project was first approved in 1971. A reassessment was required and begun in 1975 with an approved EIS issued subsequently. However, due to endless mitigation studies required by the Department of the Interior, the Corps of Engineers did not finally issue a section 404 permit for the project until late 1980. Sections of the project, with its extensive mitigation features, finally will be ready for letting this year at a total cost of about $80 million.

Another integral part of the long range, high cost Route 219 improvements is the Rice Road Interchange Project.

The Pearl Street Connector Project, which is an integral part of the Elm-Oak arterial plan, will improve downtown access for westbound traffic from the Kensington Expressway and will also carry traffic diverted from Main Street by Buffalo's Light Rail Rapid Transit Project.

SECTION 121. HIGHWAY BEAUTIFICATION

This section restructures the current outdoor advertising control program in a number of significant ways. It removes the Federal Government from the day-to-day oversight of State programs and leaves the details of those programs to the States. The bill essentially retains current controls along the Interstate and primary systems, including the requirement to remove signs with compensation. The costs of acquiring signs are transferred to the States. Federal authorizations are required only to meet obligations under the 1958 bonus program, applicable in 23 States.

The statute is intended to encourage the States to maintain certain specified minimum regulatory control through the incentive of a ten percent reduction of Federal-aid highway funds. The minimum controls are not mandatory and the States are not coerced in this regard since they may unilaterally determine not to comply and forego these additional funds.

The legislation is structured so that a State may continue to maintain controls already in existence on the effective date of the Act. In several States the removal of billboards is predicated on the availability of Federal funds. Nothing herein is intended to disturb those provisions.

The essentials of effective control are set forth in amending subsection 131(c). These controls assign great flexibility to the States in establishing the program they deem proper. The basic controls required are as follows:

(1) Signs must be limited to commercial and industrial areas or to unzoned commercial and industrial areas as the State may deem appropriate. The existing exemptions found in current subsection 131(c) are also retained. The States need no longer spell out details of control in zoned and unzoned commercial and industrial areas, as is now required by the Federal/State agreement.

(2) Signs may not be erected in areas where funds have been expended to cause their removal.

(3) The compensation provisions of the current law are expanded to protect sign owners from the impairment of the customary use or maintenance of signs. States would be required to pay compensation to cover these situations. The bill also makes clear that traditional concepts of eminent domain and condemnation proceedings also apply to sign acquisitions.

(4) The States are encouraged to provide for scenic areas where signs would not be permitted.

The Governor of each State must certify the State's program to the Secretary. The Secretary's oversight would be limited to assuring that the State makes a proper certification and controls signs in accord with that certification. The penalty provision of the current law is retained to permit the Secretary to enforce the law.

The section makes no changes in the 1958 bonus program, the junkyard control program, the specific information signing (logo) program, and the information center program.

No specific authorizations are made for this section. Federal administrative expenses can be paid for out of the general operating budget of the Federal Highway Administration. The level of bonus

payments varies from year to year and can best be addressed in the appropriation process.

SECTION 122. APPROACHES

Existing law authorizes the expenditure of Federal-aid funds on projects approaching toll roads, bridges, and tunnels only to a point that such projects would have some use other than simply feeding traffic directly onto the toll facility. This section would eliminate this restriction and authorize the use of Federal-aid funds for projects which feed all traffic directly onto the toll facility, provided the Secretary is given the authority to define the extent of such projects.

SECTION 123. PARKING FACILITIES

This section expands the authority to acquire land and construct fringe and corridor parking facilities on the Interstate System. Provided the facilities are for the exclusive use of carpools and vanpools, they do not have to be located and designed in conjunction with existing or planned public transportation facilities. Funds apportioned for resurfacing, restoring, rehabilitating and reconstructing the Interstate System shall be used to pay the Federal share of the cost of these projects.

SECTION 124. EQUAL OPPORTUNITY

Currently, 23 U.S.C. 140 authorizes funds (not to exceed $10 million per fiscal year) to provide highway construction training and supportive services programs. Since FY 1977, that appropriation has been reduced by application of funds to the minority business enterprise (MBE)/supportive service effort. Section 124 addresses this expansion of the training and supportive services programs. It authorizes training and assistance programs for minority contractors and authorizes the use of an additional $10 million per fiscal year to conduct and finance such programs. The $10 million set-aside from annual apportionments is continued for construction training and supportive services programs.

Section 124 also amends 23 U.S.C. 140 to assure that equal employment opportunity must be provided without regard to sex.

SECTION 125. PUBLIC TRANSPORTATION

This section permits the cost of providing shuttle service to and from fringe and corridor parking facilities constructed with Federal-aid funds to be included in the eligible fees that may be charged for the use of the parking facilities.

SECTION 126. BRIDGE PROGRAM APPORTIONMENT

Funds authorized for the Highway bridge replacement and rehabilitation program are apportioned in accordance with revise table 1 of Committee Print 95-49 of the Committee on Public Works and Transportation of the House of Representatives. Revised table 1 was developed in 1978 based on 1977 Federal-aid System bridge inventory data.

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The Committee believes that bridge apportionment factors should be revised annually using the latest available Federal-aid and off-System bridge inventory data. This section establishes procedures for determining apportionment factors annually for each State.

Section 126 also raises the maximum share of apportioned bridge funds a State may receive from eight percent to ten percent.

SECTION 127. HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION

This section provides a $200 million set-aside from authorizations for highway bridge replacement and rehabilitation for each of the fiscal years, 1983, 1984, 1985, and 1986 for the bridge discretionary program. Conditions for allocating bridge discretionary funds are unchanged from existing law except for language making the La Salle Peru (Illinois) bridge replacement project eligible for discretionary bridge funding.

Federal discretionary bridge funds enable unique and/or high cost bridge rehabilitation and replacement requirements to be addressed by the States that would otherwise go unaddressed under the basic bridge program.

In order more accurately and effectively target deficient bridges, the Committee recommends that strong consideration be given to a bridge's sufficiency rating and its demonstrated economic impact, where such can be demonstrated, in the targeting of Federal discretionary bridge allocations.

The Secretary should assign priority in the use of discretionary program funds to the following bridge projects: the Route 22 bridge over Waverly Yard in Newark, New Jersey; the Pulaski Skyway in Hudson County, New Jersey: Minsi Trail Bridge in Bethlehem, Pennsylvania; the Ben Franklin Bridge between Camden, New Jersey, and Philadelphia, Pennsylvania (eligible under 23 U.S.C. 144(1)); the Hopple Street Viaduct in Cincinnati, Ohio; U.S. 421 Bridge over the Cape Fear River in Wilmington, North Carolina; N.C. 32 Bridge over the Albemarle Sound in Washington County, North Carolina; approach bridges to the Arrowhead Bridge in Minnesota; the Father Baker Bridge in Buffalo and Lackawanna, New York; the Bainbridge Street Bridge in Sunbury, Pennsylvania; the St. Elmo Acosta Bridge in Jacksonville, Florida; the West Kansas Avenue Bridge over the Kansas River in Kansas City, Kansas; the bridge at Hennepin Avenue and Stinson Avenue in Minneapolis, Minnesota, the MacArthur Bridge between Burlington, Iowa, and Gulfport, Illinois, the Campostella Bridge in Norfolk, Virginia, the La Salle-Peru Bridge and the Clark Bridge in Illinois, and the Alsea Bay Bridge in Oregon.

The Committee also intends that discretionary bridge funds be used to replace the Russian River Bridge and Preston Overhead north of Cloverdale, California, necessitated by the unstable soil conditions which are causing the structure to shift, including such relocation of the highway approaches as is occasioned by the replacement of the structures on a site outside the slide area where soil conditions are stable.

SECTION 128. CARPOOL AND VANPOOL PROJECTS

This section conforms to section 120 of the reported bill which increases the Federal-aid participation level in carpool and vanpool projects from 75 percent to 95 percent.

The Committee recognizes that motorcycles are extremely fuel-efficient, represent a viable commuting alternative for many individuals, and deserve consideration in State and local transportation plans. The Secretary is directed to promote commuter-oriented motorcycle use by encouraging State and local governments to make preferential carpool highway lanes available for use by motorcycles at any time that they are available for use by carpools.

SECTION 129. ALLOCATION OF URBAN FUNDS

This section would revise 23 U.S.C. 150 to permit Federal-aid urban system funds that are allocated to urbanized areas of 100,000 or more population to be used in other urbanized areas within the State or any urban areas within the State. The additional flexibility in use of the funds for urban projects would be subject to the approval of the local officials, the governor, and the Secretary, and is comparable to existing transfer provisions for use of these allocated funds for Federal-aid primary projects.

SECTION 130. HAZARD ELIMINATION PROGRAM EXTENSION

This section extends the eligibility of hazard elimination funds to highway safety improvement projects off the Federal-aid systems. Currently, hazard elimination funds may only be expended on projects on primary (other than Interstate), secondary, and urban systems, except in the Territories. Existing section 152(a) of title 23 requires the States to identify hazards and implement a schedule of projects for safety improvements on all public roads, yet Federal funding is not available for many critical improvements identified as needed off the Federal-aid systems. This change will permit the States and local agencies to implement essential highway safety improvements according to priority regardless of system designation and is consistent with provisions of a complementary program for rail-highway crossing improvements authorized under section 203 of the Highway Safety Act of 1973, as amended. Safety improvement projects on the Interstate System will continue to be funded from Interstate program authorizations.

SECTION 131. FEDERAL LAND HIGHWAYS

This section eliminates the separate provisions of chapter 2 of title 23, United States Code, which provide for forest highways (section 204), park roads (section 206), parkways (section 207), Indian reservation roads and bridges (section 208), and public lands highways (section 209), and establishes in lieu thereof a coordinated Federal lands highways program under which such class of Federal lands highways is continued. The substance of the separate sections which provided for the various classes of Federal lands highways is essentially restated in the new section authorizing the Federal lands highways program. The significant change that section 131 makes is placing on the Secretary of Transportation the oversight

and coordinating responsibility for Federal lands highways in order to ensure that such highways are treated under the same uniform policies. A single Federal lands highway program is consistent with expressed congressional intent. When the Congress established the Department of Transportation in 1967, one of the stated purposes was "to assure the coordinated, effective administration of the transportation programs of the Federal Government."

Section 131 does not transfer jurisdiction of the Federal lands highways from the agencies that curently manage the respective Federal lands. Rather, it involves the Department of the Interior in coordination with the land managing agency in the planning studies and program development of public Federal lands highways. The Department of the Interior would also provide design and construction assistance to the Federal land managing agencies.

Section 131 also revised the allocation criteria relative to forest highways and public lands highways in order to reflect the policies and directions mandated by renewable resource and land use planning legislation. Similarly, allocation criteria is established for park roads, parkways, and Indian reservation roads and bridges.

In order to assure that adequate planning and research activities are carried on in connection with Federal lands highways, one and one-half percent of funds appropriated for such highways will be available for planning and research purposes.

SECTION 132. BICYCLE TRANSPORTATION

This section changes the Federal share payable for bicycle facilities to 95 percent rather than the share applicable to the category of Federal-aid system from which funds for such projects are made available. It broadens the types of projects that can be funded with Federal-aid highway funds (except Interstate) to include projects not on or adjacent to a Federal-aid highway project and nonconstruction projects related to safe bicycle use.

Projects funded under this section must be principally for transportation, as determined by the Secretary as part of the normal review process, rather than recreational purposes. On highways without full control of access where a bridge deck is being replaced or rehabilitated, the bridge shall be made accessible for the safe accommodation of bicycles when it can be done at reasonable cost and where bicycles are permitted at either end. This provision is intended to promote bicycle use of bridges by means of the use of the bridge traffic lane or shoulder, a walkway shared with pedestrians, a special bridge path, or other appropriate measures. Safe bicycle access to bridges could be improved under this provision whenever such could be improved under this provision whenever such could be achieved at reasonable cost and no reduction in existing bicycle access should result from the project. Although the provision clearly exempts bridges on fully controlled access highways, the Committee recognizes that in some cases such bridges provide the only practicable link between certain origins and destinations. In such cases, highway authorities may wish to make such bridges accessible to bicyclist whenever cost and safety considerations permit.

The Committee believes that access to a bridge from both sides may be by roadway or shoulder or special bicycle path or trail.

SECTION 133. PARKING RAMPS

This section assures that certain parking facilities in the State of Minnesota will be added to the 1981 Interstate cost estimate. The parking ramps, which will include spaces for up to 6,000 vehicles, would then be an eligible expense for Interstate construction funds in connection with the I-394 project in Minneapolis.

The Committee notes that these parking facilities adjacent to the central business district are planned for preferential vanpool and carpool parking, as well as bus layover and turnaround facilites. The City will connect the ramps to its aerial skyway system. Proposed high occupancy vehicle lanes and these parking facilities will reduce traffice on I-394 by increasing its person-carrying capacity The project also meets an environmental mitigation commitment.

SECTION 134. PRIORITY PRIMARY AVAILABILITY

This section provides that the $125 million set-aside for priority primary routes for the fiscal year 1982 shall remain available until expended and shall be available for obligation by the Secretary of Transportation for certain designated priority primary routes. Under existing law, such funds are available for one year, after which unobligated funds lapse and become part of funds available for apportionment according to the regular primary system apportionment formula. The Committee incorporated this provision with the intent that additional funds be made available to such projects. An appropriate use of such funds would be the California Route 20 project extending between Penn Valley Road and Insterstate Route 80 in Auburn; and the Kolb-Valencia Road project in Tuscon, Arizona.

SECTION 135. FULL UTILIZATION OF APPORTIONMENT

This section would allow the Secretary to approve the use of regular Interstate construction funds on projects for 4R work or on the primary, secondary, or urban systems in those States (e.g., Indiana and Nebraska) which receive or have been receiving Interstate funds with a minimum one-half percent apportionment factor through FY 1983. This provision would require a State to demonstrate that expenditure of funds under this provision is necessary in order to fully utilize Interstate funds apportioned under 23 U.S.C. 104(b)(5)(A) through the fiscal year ending September 30, 1982. This provision is necessitated by the redefinition of Interstate Completion in the 1981 Federal-Aid Highway Act. There would be no change in the obligation limitation established by section 3 of the Federal-Aid Highway Act.

SECTION 136. ACCELERATION OF PROJECTS

The Secretary of Transportation was required by section 141 of the Federal-Aid Highway Act of 1976 to demonstrate the feasibility of reducing the time required from the time of request for project approval through the completion of construction of certain high-

way projects. The demonstration was successfully completed and methods of accelerating projects were identified in a report to Congress by the Secretary pursuant to section 136 of the 1978 Surface Transportation Assistance Act.

It is the intent of this provision that projects designated by the Secretary in cooperation with the State highway agency for an Acceleration of Projects program may be exempted from normal administrative procedures, policies, rules and regulations as long as no provision of law is violated.

The rule or regulation established by the Secretary should clearly indicate those methods of reducing time which may be applied to any Federal-aid project, and those methods which may be used only on priority designated for acceleration by the Secretary.

The Committee believes that this is an important provision and will closely monitor its implementation with a view toward further legislative action should the expected level of participation not be realized.

SECTION 137. FOUR LANE BRIDGES

This section authorizes payment for additional construction of a specific type of bridge when initial authorization for payment was between January 1, 1970, and date of enactment of this Act. Only two-lane bridges with a substructure and deck truss capable of supporting a four-lane bridge would be eligible.

The Auburn-Foresthill Bridge in California meets this criteria.

SECTION 138. COMPETITIVE BIDDING

This provision requires the Comptroller General to make a complete study of competitive bidding practices in highway and mass transit construction, with a report to Congress within one year, together with recommendations for legislation and changes in administrative practices.

The Committee understands that the Justice Department has been investigating instances of collusive bidding practices on highway and other construction projects. To the Committee's knowledge, there is no reliable estimate of the scope and nature of the abuses and the extent to which construction costs have been inflated as a result.

SECTION 139. DEMONSTRATION PROJECT

This section authorizes out of the Highway Trust Fund $17 million for the fiscal year 1983, $17 million for the fiscal year 1984, and $18 million for the fiscal year 1985 at a 90 percent Federal share with contract authority to carry out a demonstration project in Los Angeles County, California, for the purpose of demonstrating methods of improving the motor vehicle transportation of freight to and from areas for the transshipment of waterborne commerce.

SECTION 140. VEHICLE WEIGHT, LENGTH, AND WIDTH LIMITATIONS

This section amends section 127 of title 23, United States Code, to provide for national uniform vehicle axle and gross weight limits

for the Interstate System. These limits are set at 20,000 pounds for a single axle and 34,000 pounds on a tandem axle. The overall gross vehicle weight is to be limited by operation of the bridge formula to a maximum of 80,000 pounds, except for nondivisible loads for which special permits have been issued by States in accordance with applicable State laws. No funds authorized to be appropriated under the 1956 Highway Act may be apportioned to a State which does not permit the operation of such vehicles at such maximum weights on the Interstate System within that State. Amounts so withheld will lapse. This provision would eliminate the problem of the three remaining so-called "barrier States" which have not adjusted their weight laws in conformity with the other States and which thus impose an undue burden on interstate commerce.

The new subsection also provides, however, that apportionments shall not be denied to States which allow the operation of vehicles which that State determines, in consultation with the Secretary, could have legally operated in the State on July 1, 1956, or in the case of overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Act of 1974. Consultation with the Secretary is intended to ensure that the Federal investment in the Interstate System is safeguarded to the maximum extent practical. It is also intended that a State, in the process of consultation with the Secretary, provide such available documentation and other information as may be necessary and appropriate to demonstrate the basis for its determination with respect to the sizes and weights of vehicles which could be lawfully operated in such State on July 1, 1956, and the date of enactment of the Federal-Aid Highway Amendments of 1974. The Committee further intends that the Secretary exercise his right to challenge such an initial determination by the State as he deems appropriate. It is the intent of the Committee that overweight permits for divisible loads shall require compliance with Federal axle limit and bridge formula limitations as stated in this section. For the State of Hawaii, the applicable date is February 1, 1960, rather than July 1, 1956. For the State of Michigan, laws or regulations in effect on May 1, 1982, are applicable for the purposes of this subsection. The purpose of this later provision is to ensure that so-called "Michigan centipedes" can continue to operate legally in Michigan notwithstanding changes made by this section.

Subsection (b) provides that funds under the 1956 Highway Act may not be apportioned to a State with (1) a vehicle length limitation of less than 48 feet on the length of a semitrailer in a truck tractor-semitrailer combination, (2) a vehicle length limitation of less than 28 feet on the length of any semitrailer or trailer in a "double" combination, or (3) a vehicle width limitation other than 102 inches on the Interstate System.

Subsection (c) provides that the length limitations of (b) above do not apply to a truck tractor. States are further precluded from prohibiting the use of trailers or semitrailers of such dimensions as those that were in actual and lawful use in such State on the date of enactment of this Act.

While the bill establishes 28 feet as the uniform standard trailer length applicable to doubles, it also provides that no State shall prohibit or restrict the use of existing doubles trailers of up to 28½

feet for the life of those trailers. Some carriers are now legally and properly operating 28½ foot doubles trailers within the common 65-foot overall length limit. One carrier operates nearly 5,000 such vehicles, representing a capital investment of approximately $50 million. A carrier with this kind of fleet would be subject to a grave inequity if States, after passage of the bill, were free to prohibit the use of the slightly longer trailers.

Subsection (d) provides that "doubles" shall not be prohibited from operating nationwide on the Interstate System.

Subsection (e) provides the Secretary with general authority to implement this section by regulation and specifically authorizes the Secretary to make determinations necessary to accommodate specialized equipment such as automobile transporters.

Subsection (f) defines "truck tractor" as the noncargo carrying power unit in a combination vehicle.

Subsection (g) excludes such safety and energy conservation devices as shall be designated by the Secretary from the limits described in subsection (b) and (c). This would allow the use of the devices set forth in the bill and similar devices without increasing the cargo-carrying capacity of a vehicle. However, any device capable of carrying cargo would be included in the length and width of a vehicle for the purposes of subsections (b) and (c).

An example of an energy conservation device or design is the energy-efficient truck trailer combination with noncargo-carrying "boattail" afterbody. The device was demonstrated by the manufacturer for Members of the Surface Transportation Subcommittee during hearings. The added length to the trailer, which is attributable to the "boattail" and which cannot be designed or used to carry cargo, would not cause the trailer to be in violation of the length limitation in section 140(b) and (c).

Subsection (h) provides that States must permit vehicles subject to this section reasonable access to and from the Interstate System, terminals, and facilities for food, fuel, and rest. This provision is not intended to preempt a State's reasonable exercise of its police powers with respect to safeguarding public safety on roads within the area of its jurisdiction.

The Committee believes that keeping our Nation's highways in good repair is a prime objective of the Federal Highway Act. Corollary to that concern, the Committee recognizes that highways should be available to facilitate both commerce and the delivery of community services dependent on this mode of transportation. Thus, public policy must always balance prospective costs and anticipated benefits.

Delivery of one vital community service is presently hampered by existing Federal law. Because of the unique circumstances facing municipal and private sector businesses which operate refuse trucks, these vehicles often find themselves in unwitting violation of the axle weight limitations on Interstate highways.

Back when the Interstate System was built in the late 1950's, garbage trucks had little difficulty in meeting the weight limitations. At that time, most refuse trucks consisted of relatively lightweight chassis carrying a metal, open-top body with, at most, a hydraulically operated elevator-type platform at the rear. Refuse was loaded loosely into the body. Several changes have occurred

which dramatically alter that situation. First, most municipalities have enacted ordinances requiring all refuse truck bodies to be enclosed to prevent littering of the highways. This made two important changes: the enclosing body added weight to the vehicle and the vehicle could no longer be loaded from the top but rather from the front, side, or rear; second, elimination of home incineration and the increased usage of paper, plastic, glass, and metal packaging have increased the volume of refuse requiring management; and third, the closure of close-in disposal facilities making travel on the Interstate highways an increasingly direct route and inviting larger trucks to minimize the number of trips.

Because of these changes in operational requirements, operators of these vehicles find themselves in violation of the axle weight limitations on the Interstate highways. However, these vehicles seldom have difficulty in satisfying the gross vehicle weight requirements. Rather, it is a matter of distribution of that weight to the rear axle which bears the entire weight of the compactor mechanism. Drivers of these vehicles have no means of determining the weight of the load which they collect from day to day, and this weight can vary considerably depending on the amount and composition of the refuse placed at curbside by homeowners or to reflect the weight of rain water which might have been absorbed into the load.

Refuse trucks make up far less than one percent of the traffic on our Interstate highways and travel only short distances on the Interstate System from the end of their collection routes to disposal sites. They have every incentive to shorten the distance of that travel because both the time and fuel spent in travel is a cost to them.

Many States have recognized the unique circumstances facing refuse collectors and have enacted special legislation allowing for exemptions from axle weights on State highways. Others, under authority of their "grandfather clause," have extended this consideration to Interstate highways within their borders.

The Committee believes this a matter which deserves further study.

In incorporating amendments with respect to vehicle sizes and weights, the Committee has taken care to preserve the authority of States to continue to permit the operation of vehicles of such sizes and weights as could lawfully be operated on the highways of those States on July 1, 1956. Factory-constructed residential dwelling units built to the Federal standards prescribed by the Manufactured Housing Construction and Safety Standards Act, Title VI, Housing and Community Development Act of 1974 (42 U.S.C. 5401), have been permitted to be moved by motor vehicle under special permits issued under State authority.

In prescribing a truck width of 102 inches for operation of motor carriers on the Interstate System, the Committee intends in no way to affect the movement of such factory-constructed residential dwelling units on highways on the Interstate System under special permits lawfully issued by a State.

SECTION 141. MARTIN LUTHER KING BRIDGE

This section establishes specific criteria under which the Martin Luther King Bridge, which crosses the Mississippi River between St. Louis, Missouri, and East St. Louis, Illinois, would be eligible for assistance under section 144, Highway Bridge Replacement and Rehabilitation Program, of title 23, United States Code.

SECTION 142. MANPOWER NEEDS STUDY

This section directs the Secretary to enter into an agreement with the National Academy of Science's Transportation Research Board to conduct a study of future transportation professional manpower needs. The study is to include, among other things, prevailing methods of recruitment, training and financial, and other incentives and disincentives which encourage or discourage retention in service of transportation manpower by Federal, State, and local governments. The report is to be submitted to Congress in two years, and the Secretary is to furnish the Academy information deemed necessary by the Academy for the study.

SECTION 143. FERRY BOAT STUDY

This section directs the Office of Technology Assessment (OTA) to study the feasibility of a high speed ferry boat operation from St. Croix and St. Thomas in the Virgin Islands. Other agencies of the Federal Government are directed to assist the OTA, and a report is due to the Congress no later than January 1, 1984.

SECTION 144. STUDY OF WEATHER-RELATED FACTORS IN APPORTIONMENT FORMULAS

This section requires the Secretary to conduct a study and report to Congress within one year with specific recommendations for changing apportionment formulas to take into account weather-related factors. Considerable evidence suggests that the effects of severe weather, especially the "freeze-thaw" cycle that exists in northern tier States, adversely affect pavement condition. This is in addition to the deterioration factors that generally affect all States uniformly. The increased costs to those States to maintain an acceptable level of service may make it equitable to take into account weather-related factors in apportioning funds.

SECTION 145. REPORT REGARDING LONGER COMBINATION COMMERCIAL MOTOR VEHICLES

This section requires the Secretary to make a report to the Congress on the potential benefits and costs associated with the establishment of a national intercity truck route network for the operation of longer combination vehicles.

Subsection (a) provides that the Secretary shall make a report within one year after consultation with the States and opportunity for public comment. The report is to consider the potential benefits and costs for such a network for shippers receivers, operators of commercial motor vehicles, and the general public.

Subsection (b) defines "longer combination commercial motor vehicles" as multiple trailer combinations consisting of (1) truck tractor-semitrailer-full trailer or (2) truck tractor-semitrailer-full trailer-full trailer. The overall length, however, would not exceed 110 feet. The subsection also defines "national intercity truck route network" as consisting of a number of controlled access, interconnecting segments of the Interstate System and other highways of comparable design and traffic capacity including, but not limited to, all highways where longer combination vehicles are authorized on the date of enactment of this Act.

Subsection (c) provides that the report is to include a specific plan for the establishment of the network including the designation of the specific segments involved and analyses of the freight volume which might be transported in such longer vehicles, the projected fuel savings, anticipated productivity gains, the fuel conservation and productivity gains historically achieved by the use of longer vehicles, and the safety record of longer vehicles. This subsection also requires an analysis of the impacts of the size and weight limitations in effect after enactment of this Act, including the effect on intermodal competition.

Subsection (d) provides that the Secretary shall assume, for purposes of the report, that the axle weight limits are as established in section 127 of title 23, United States Code, and the overall gross weight limit would be determined by the bridge formula alone.

Subsection (e) requires the Secretary to further assume that reasonable access to terminals, combination breakup areas, and food and fuel facilities will be provided.

Subsection (f) makes clear that this section intends only that a study of the issue of longer vehicles be made at this time with final Congressional action to follow.

TITLE II—HIGHWAY SAFETY ACT OF 1982

PART A

SECTION 201. SHORT TITLE

This section provides that this title may be cited as the "Highway Safety Act of 1982."

SECTION 202. HIGHWAY SAFETY AUTHORIZATION

This section provides authorizations for bridge replacement and rehabilitation of $1.5 billion for FY 1983, $1.6 billion for FY 1984, $1.7 billion for FY 1985, and $2.1 billion for FY 1986. Projects for the elimination of hazards under section 152 of title 23, U.S. Code, are authorized at $200 million annually.

With the consolidation of many categorical programs within the highway safety section of the bill, the Committee encourages the Department of Transportation to work with the States on implementing a no-passing zone sign on the left program.

In many cases, when a driver anticipates passing on a two-lane road, the driver is generally looking to the left. Therefore, in the interest of greater warning time, the stationing of no-passing zone signs on th eleft would be useful in improving highway safety on

two-lane roads in the United States. Over 20 states have adopted this requirement which has reduced accidents and increased safety.

SECTION 203. HIGHWAY SAFETY

This section provides authorizations for appropriations and limitations on the obligation of highway safety funds. Subsection (a)(1) provides authorizations for appropriations out of the Highway Trust Fund for carrying out the highway safety programs under section 402, title 23, U.S. Code, by the National Highway Traffic Safety Administration in the amount of $100 million per fiscal year for each of fiscal years 1985 and 1986.

Subsection (a)(2) provides that, out of the funds authorized to be appropriated under subsection (a)(1) for each of fiscal years 1985 and 1986, not less than $20 million per fiscal year shall be obligated under section 402 of title 23, U.S. Code, for enforcing the national maximum speed limit established by section 154 of title 23.

In view of the increasing dangers associated with highway construction on roads where the posted speed limit is above 45 mph and where traffic continues to flow during construction, the States may wish to consider using patrolmen and police cars at these construction sites to better regulate vehicular traffic and provide for greater safety for workers who must work in the construction area.

Subsection (a)(3) requires that each State shall expend in each fiscal year not less than two percent of the amount apportioned to it for the fiscal year of the sums authorized by subsection (a)(1) for highway safety programs which encourage the use of safety belts by drivers and passengers of motor vehicles.

Subsection (b)(1) provides that, notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the National Highway Traffic Safety Administration under section 402 of title 23, U.S. Code, shall not exceed $125 million for FY 1983, $150 million for FY 1984, $150 million for FY 1985, and $100 million for FY 1986. The total of all obligations for the highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, U.S. Code, shall not exceed $10 million per fiscal year for each of fiscal years 1983 through 1986.

Subsection (b)(2) amends section 1107(b) of the Omnibus Budget Reconciliation Act of 1981 to strike obligational amounts which do not conform to those provided by subsection (b)(1).

Subsection (c) amends section 202 of the Highway Safety Act of 1978 to extend: (1) the $31 million authorization per fiscal year for section 403 of title 23, U.S. Code, relating to highway safety research and development through fiscal years 1985 and 1986; (2) the $10 million authorization per fiscal year for carrying out section 402 of title 23, U.S. Code, highway safety programs by the Federal Highway Administration, through fiscal years 1985 and 1986; and (3) the $13 million authorization per fiscal year for carrying out sections 307(a) and 403 of title 23, U.S. Code, relating to highway safety research and development by the Federal Highway Administration through fiscal year 1985 and 1986.

During hearings on the legislation, the Subcommittee received testimony from the Administration clearly indicating that bicycle,

pedestrian, and motorcycle safety programs under section 402 would remain eligible for funding. These programs have proven to be effective. States may continue to apply for, and the Secretary shall continue to approve, funding for these or other section 402 standards pursuant to any rule promulgated to implement section 1107 of the Omnibus Budget Reconciliation Act of 1981.

SECTION 204. MAXIMUM SPEED LIMIT

This section amends section 154(a) of title 23, U.S. Code, to prohibit the Secretary from approving any project under section 106 of the title in any State whose laws do not constitute a substantial deferrent to violations of the national maximum speed limit on its highways. For example, one State has passed a law to levy a $5 "energy wasting" fine for violators of the speed limit with on impact on driver license privileges. Other States have passed laws which also suggest a movement away from substantial enforcement of the 55-mph speed limit.

The purpose of the Committee amendment is to ensure compliance with the spirit of the national maximum speed limit and to ensure greater realization of the benefits of this law.

SECTION 205. RAIL-HIGHWAY CROSSINGS

This section provides annual authorizations of $190 million to carry out projects for the elimination of hazards at rail-highway crossings under section 203 of the Federal-Aid Highway Act of 1973.

SECTION 206. PUBLIC INFORMATION

This section provides contract authority for funds authorized for highway safety and information under section 209 of the Highway Safety Act of 1978. The Committee adopted this provision on the grounds that such activities have the potential for improving highway safety and that section 209 of the 1978 Act should be implemented. The Committee intends that the criteria of the program be those described in House report 95-1485 accompanying the 1978 Act. The Committee further expects that projects be so chosen as to reflect a balance between urban and rural areas and be located in areas such as Altoona, Pennsylvania, and Asbury Park, New Jersey.

SECTION 207. SAFETY PERFORMANCE REPORTS

This section requires the Secretary to prepare, publish, and submit to Congress a report on the highway safety performance of each state in the preceding fiscal year. This report is to be submitted to Congress not later than April 1 of each fiscal year beginning after September 30, 1982. This report is to provide data on highway fatalities and motor vehicle accidents and travel in urban areas of each state for each system of highways and in rural areas of such state for each system of highways. At a minimum, this report will provide comparable and consistent data, by State, on highway fatalities, motor vehicle accidents and travel for each of the urban

and rural road systems, both on and off the Federal-aid system, within each State.

Testimony presented to this Committee has demonstrated the nationwide highway safety benefits which have resulted from the Highway Safety Acts of 1966 and 1973. However, the available data also indicates that such benefits have not been uniform. While some States have shown remarkable improvements in safety performance, other States have achieved little or no progress.

An analysis of this discrepancy is limited by the lack of comparable highway safety data, by road system, from State to State. While all States collect some accident and travel data, such information is not generally available from a centralized source on a long-term, consistent basis for each road system; nor is it available on a timely enough basis to permit meaningful responses to evident problems.

The Safety Performance Reports proposed in this legislation would provide the means to remedy this situation. They would show which States have relatively poor road safety records and which have relatively good records, thus helping to identify those States and those road systems which may need additional Federal guidance and assistance in highway safety improvement. The means would be provided to monitor State safety performance on a continuous basis, so that deterioration or improvement in safety performance could be readily identified and acted upon. Furthermore, the reports would provide a basis for grouping States by appropriate geographic region, by similar driving characteristics, by traffic volume, or by a combination of any of the foregoing factors or by other factors, so as to permit the most effective methods of comparison.

SECTION 208. ALCOHOL TRAFFIC SAFETY PROGRAMS.

Section 208(a) amends section 402 of title 23, United States Code, by adding a new subsection (k) providing incentive grants to States that have in place and implement or adopt and implement (by legislation, regulation, or otherwise) effective programs to reduce the drunk driving problem. Whether a State qualifies for the grant in any fiscal year will be determined by its compliance with criteria that the Secretary of Transportation will issue by regulation. The States may use the funds they receive under this program only for alcohol safety purposes. Projects in other highway safety areas, eligible for funding under the regular Section 402 State and Community Highway Safety Program, are not eligible for funding under this incentive grant program unless they are related to the alcohol traffic safety program.

Subsection (k)(2) requires each State that receives incentive funds as a condition for the receipt of the funds to maintain its funding for alcohol safety, excluding incentive grant funds, at the level representing an average of total funds spent during the two years preceding the enactment of this program.

Subsection (k)(3) limits the amounts that can be awarded under the incentive grant program. No State may receive grants for more than three fiscal years. The amount awarded to a State in any fiscal year is a function of the State's cost of implementing and en-

forcing the alcohol traffic safety program outlined by the Secretary in regulations. During the first fiscal year in which a State qualifies for an award, the Secretary shall reimburse the State for 75 percent of the costs of its alcohol traffic safety program. During the second and third fiscal years in which a State qualifies, the Secretary shall reimburse the State for 50 percent and 25 percent, respectively, of its costs in this area. It is the intent of the Committee that the non-Federal share for grants awarded under section 208 may be provided from alcohol safety funds which are required under subsection (k)(2) to be maintained by each State as a condition of assistance. In addition, there is a ceiling that limits the award a State can receive in any fiscal year to 50 percent of the amount apportioned to the State under the regular Section 402 Highway Safety Program.

Subsection (k)(4) directs the Secretary to work with the States, other public agencies and nonprofit organizations to set criteria by which he can determine whether a State's alcohol safety program qualifies for an incentive grant. During the rulemaking to determine the necessary criteria for an effective alcohol traffic safety program, the Secretary shall consider the following changes in State law:

(1) Providing that a person with a blood alcohol concentration (BAC) of 0.10 percent or greater when driving shall be deemed to be driving while intoxicated;

(2) Raising the perceived threat of apprehension through greater enforcement by the police and highway patrol and more warnings via television, radio, the press, and the schools;

(3) Establishing or expanding a Statewide driver record system readily accessible to the courts and the public which can identify drivers repeatedly convicted of drunk driving;

(4) Mandating administrative suspension or revocation of the license of any driver whose blood alcohol concentration equals or exceeds 0.10 percent or who refuses a chemical test for blood alcohol;

(5) Empowering the courts to make recommendations to State motor vehicle officials when they exercise their authority to suspend or revoke driver licenses;

(6) Providing the courts with authority to conduct presentence screenings of convicted drunk drivers which would aid the courts in selecting the sanctions most appropriate for the convicted drivers;

(7) Affording the courts a wide array of sanctions from which to choose for punishing and treating convicted drunk drivers, e.g., community service, fines, imprisonment, education, and treatment. These sanctioning options provide the courts discretion to fashion sentences most appropriate to the circumstances;

(8) Establishing an alcohol traffic safety program in each major political subdivision (e.g., major cities and heavily populated counties) that is controlled at the local level, and permitting each local program to retain fines and other monies collected from convicted drunk drivers so that it can become financially self-sufficient.

The Committee directs that the Secretary not promulgate any regulation or otherwise take any action relative to a blood alcohol test pursuant to this section without first determining that such test is a reliable method for meauring blood alcohol concentration

and is administered in a reasonable and appropriate manner. The Committee expresses a preference for the use of the breathalyzer test for determining blood alcohol concentration.

Subsection (k)(5) creates a separate three-year authorization for the incentive grant program. It authorizes out of the Highway Trust Fund $25 million for FY 1983 and $50 million per fiscal year for FY 1984 and FY 1985.

Section 208(b) mandates a rulemaking schedule for setting criteria that would outline the minimum program needed for an effective anti-drunk driving program. The Secretary must publish proposed regulations by September 1, 1982. During the rulemaking period, the Secretary shall allow public comment and hold public hearings to encourage maximum citizen participation.

Before February 1, 1983, the Secretary must publish the final rule in the Federal Register and transmit it to the Congress. Unless either House of Congress disapproves by a simple veto resolution, the final rule shall become effective April 1, 1983.

If either House of Congress disapproves the final rule, the Secretary shall not obligate incentive grant funds for FY 1983 or any subsequent fiscal year unless Congress authorizes him to do so by statute.

SECTION 209. ANNUAL APPORTIONMENT FORMULA

This section eliminates the disparate treatment accorded the territories in the apportionment formula for the section 402 State and Community Highway Safety Program. While section 402(c) guarantees each State a minimum apportionment of one-half of one percent of the total annual apportionment, it only guarantees one-third of one percent for the territories of the Virgin Lslands, Guam, and American Samoa. This section eliminates the exception for the territories.

PART B

SECTION 251. SHORT TITLE

This section provides that this Part may be cited as the "National Driver Register Act of 1982."

SECTION 252. DEFINITIONS

This section provides definitions pertinent to the operation of this Part.

SECTION 253. ESTABLISHMENT OF REGISTER

This section requires the Secretary, as soon as practicable after the date of enactment of this part, to establish and maintain an updated, electronic Register, to be known as the "National Driver Register," to assist the States in rapidly exchanging driving record information on problem drivers. Once in full operation, the Register will serve as an index which points inquiring States to those States, if any, which have taken adverse driver licensing actions against any individual inquired about. The use of the Register to relay the exchange of data between States is to be accomplished

without the capability on the part of the Register to intercept such exchanges. Also, the Secretary is not to be responsible for the accuracy of any data or information relayed by the Register, except that the Secretary is required to maintain the Register in a manner that ensures against any inadvertent alteration of information during any such relay.

The Secretary is also required by this section to promulgate a final rule within 18 months after the date of enactment of this Part which provides for procedures for the orderly transition from the system of problem driver records provided in Public Law 86-660 to the updated electronic Register established by this section. The Secretary is prohibited from maintaining in the Register any report or information which was compiled under the authority of Public Law 86-660 and transferred to the Register after (1) the date the State of record removes it from the State file: (2) seven years after the date such report or information is entered into the Register; or (3) the date of establishment of a fully electronic Register system, whichever is earlier. The disposal of such reports or information shall be made in accordance with chapter 33 of title 44, U.S. Code. The States, through their chief driver licensing officials, and the Secretary shall take appropriate measures to ensure the accuracy of the Register's data. The Secretary is given the authority to prescribe such regulations as may be necessary to carry out the provisions of this Part.

SECTION 254. STATE PARTICIPATION

This section provides that State participation in the Register is voluntary, and that any State may participate by notifying the Secretary of its intention to be bound by the provisions of section 255 of this Part.

SECTION 255. REPORTS BY CHIEF DRIVER LICENSING OFFICIALS

This section provides (a) the categories of adverse driver licensing actions for which reports on individuals are to be prepared by the chief driver licensing officials of the States and (b) the required categories of data elements needed to identify individuals for such reports.

SECTION 256. ACCESSIBILITY OF REGISTER INFORMATION

This section limits the accessibility of the Register's information to the States' chief driver licensing officials and, through them, to the Chairman of the National Transportation Safety Board and the Administrator of the Federal Highway Administration for the purposes of accident investigation conducted by the Board or the Bureau of Motor Carrier Safety, employers of individuals who are employed as drivers of motor vehicles or who seek such employment if the individuals so employed or who seek such employment request the transmittal of such information to their employers or prospective employers, and any individual in order to (1) determine whether the Register is providing any data regarding him or the accuracy of any such data or (2) obtain a certified copy of data provided through the Register regarding him. Any request for, or re-

ceipt of, information by means of the Register is subject to the provisions of the Freedom of Information Act and the Privacy Act and any other applicable Federal or State law, except that (1) the Secretary is prohibited from relaying or transmitting Register data or information to any person not authorized by this Part to receive it; (2) any request for, or receipt of information by any person authorized by this Part to request and receive such information, shall be considered to be a "routine use" for the pruposes of the Privacy act (section 552a(b) of title 5, U.S. Code); and (3) any receipt of information by any person authorized by this Part to receive Register information is to be considered a disclosure for the purposes of the Privacy Act (section 552a(c) of title 5, U.S. Code).

SECTION 257. PILOT TEST PROGRAM

This section provides a pilot test program for an upgraded, electronic Register system. The Secretary is required to design the pilot test within 18 months after the date of enactment of this Part and to implement it within four years after the date of enactment. The purpose of the pilot test is to demonstrate the potential effectiveness of a system of electronic referral and relay of information regarding the driving records of problem drivers. Four States are to be chosen for the pilot test, and not later than one year after the conclusion of the test, the Secretary is required to submit to Congress a report on the program.

SECTION 258. CRIMINAL PENALTIES

This section provides criminal penalties for unauthorized receipt or disclosure of Register information in the amount of fines of not more than $10,000 or imprisonment for not more than one year, or both.

SECTION 259. ADVISORY COMMITTEE

This section amends section 404 of title 23, U.S. Code, to provide that the Highway Safety Advisory Committee shall establish a Subcommittee to advise the Secretary concerning the operation of the Register established under this Part. The Committee is required to submit to the Secretary an annual report on such Subcommittee's activities during the year covered by the report. The Committee intends that the Secretary of Transportation will consult with the Advisory Subcommittee before issuing any regulations concerning the National Driver Register. The Committee expects that the Advisory Subcommittee will be composed of those persons possessing expertise in the field of electronic data processing and possessing a knowledge of the practices and policies of State motor vehicle administrations. The Committee assumes that there will be extensive consultation between the Secretary of Transportation and the State motor vehicle administrators of the four pilot project States.

SECTION 260. REPORT BY SECRETARY

This section provides that the Secretary prepare and submit a report to Congress setting forth the extent and level of participa-

tion in the Register system and the effectiveness of the system in the identification if unsafe drivers. This report is due not later than the expiration of the nine-year period following the date of enactment of this Part.

SECTION 261. AUTHORIZATION OF APPROPRIATIONS

This section provides an authorization of appropriations for expenses incurred in the establishment of the Register system under this Part of not to exceed $2 million for the fiscal years beginning after September 30, 1982. This section also provides an authorization of appropriations to carry out the provisions of this Part and the provisions of Public Law 86-660 (the current Register system) of not to exceed $1 million for fiscal year 1983, $1.3 million for fiscal year 1984, $1.6 million for fiscal year 1985, and $1.6 million for fiscal year 1986. The funds authorized under this section are to remain available until expended.

TITLE III—FEDERAL PUBLIC TRANSPORTATION ACT OF 1982

SECTION 301.

This section provides that this title may be cited as the "Federal Public Transportation Act of 1982.

SECTION 302.

Section 302(a) sets forth a new section 21 of the Urban Mass Transportation Act. Section 21 revises and extends the funding authorizations to carry out the section 3 discretionary capital grant program, the section 4(i) innovative methods and techniques grant program, the section 6 research and development program, the section 8 planning program, the section 10 training grant program, the section 11(a) university research grant program, the section 16(b) program to meet the special needs of the elderly and handicapped, the section 18 formula grant program for other than urbanized areas, the section 20 human resource grant program, and for administrative expenses. Section 21 also provides funding authorizations for a newly created section 9 block grant program. Section 301(a) would authorize $16.4 billion for fiscal years 1983 through 1986, inclusive.

Section 21(a)(1) creates a unitary authorization for fiscal years 1983 to 1986, inclusive, to carry out the provisions of sections 3, 4(i), 8, 9, 16(b) and 18 of the Urban Mass Transportation Act. These authorizations total $16.1 billion for fiscal years 1983 to 1986, inclusive.

Section 21(a)(2) provides that an amount equal to 25 percent of the amount authorized to be appropriated pursuant to section 21(a)(1) shall be available from the proposed Public Transportation Trust Fund to fund programs under section 3, 4(i), 8 and 16(b) of the Urban Mass Transportation Act. Such a trust fund would be created assuming adoption of a proposal of the Secretary of Transportation that highway user revenues be increased in an amount equivalent to a 5-cent increase in the Federal excise tax on motor funds. Revenues derived from one cent of such an increase would be dedicated to public transportation through the new trust fund,

with the remainder flowing into the Highway Trust Fund. Sums provided from the Public Transportation Trust Fund would be expended on the basis of contract authority. The remaining 75 percent of the unitary authorization is subject to the regular appropriations process and is to be apportioned by formula as provided in new sections 21(a)(3) and 9(a).

The Committee set the level of the discretionary capital grant program at 25 percent of the total authorized for public transportation assistance. This represents a significant restructuring of existing law, under which the ratio of discretionary capital to formula assistance available for capital or operating assistance has been approximately 60–40. The Administration proposed a discretionary capital authorization representing ten percent of program level, excluding "new start" fixed guideway projects. The Committee recommended the larger 25 percent portion for the explicit purpose of providing for a limited number of cost-effective new starts (including some new starts not currently covered by letters of intent) along with other uses which continue to be eligible under section 3, including extensions of existing systems and the modernization of existing systems. The Committee thus intends that funds be available under section 3 for major capital projects, the costs of which exceed available amounts of formula funds, which are being substantially increased in section 9 as the discretionary program under section 3 is being reduced. The Secretary will certainly need to take into account a city's apportionment under the section 9 formula, which is based in part on present transit activity, when determining the allocation of section 3 funds needed for major capital expansion projects. It does not expect that those new-start communities which have demonstrated their commitment to transit by establishing a source of revenue dedicated to transit be placed at a disadvantage in seeking capital funds under section 3 on the baseless assumption that their needs for Federal assistance are less by virtue of their having done so.

At the same time, the Committee expects section 3 funds to remain available for other capital projects which should be expeditiously approved for funding, such as the following:

(1) In New Jersey, the New Freehold Bus Garage, the Meadowlands Rail Equipment Shop, and a project for the rehabilitation of buses;

(2) In California, the central maintenance facility in Los Angeles; and a transit maintenance and repair facility in Sonoma County.

(3) In Pennsylvania, a parking deck and pedestrian walkway as part of the Altoona Intermodal Transportation Center Project.

Furthermore, the Committee is mindful of the fact that certain major capital projects are covered by letters of intent issued prior to the date of enactment of this Act, the restructuring of section 3, and the expansion of the formula program under section 9. It is the intent of the Committee that projects covered by letters of intent, full funding contracts, or other UMTA commitments be eligible for assistance under section 3 and not charged exclusively against section 9. The Committee expects the Secretary, in determining the amounts of funds to be allocated for such projects in any fiscal year, to take into account the restructuring of the program, the increase in amounts made available to such recipients as a result of

the expansion, and the amount of funds made available under section 9 which might reasonably have been expected to have been available to them under section 3 if existing law had been continued without change.

Section 21(a)(3) stipulates that, of the amounts specified in section 21(a)(1) for each fiscal year, 2.93 percent shall be available for the section 18 formula grant program for other than urbanized areas.

Section 21(b) sets forth the funding authorizations for the various research and development programs authorized under sections 6, 10, 11(a) and 20 of the Urban Mass Transportation Act. Section 21(b) also provides funding authorizations for administrative expenses. Funds appropriated pursuant to section 21(b) for the section 6 research and development program shall remain available until expended. All other funds appropriated pursuant to section 21(b) shall remain available during the fiscal year for which appropriated. The cold weather technology research effort currently underway would remain eligible for funding under this authorization.

Section 302(a) also repeals the existing sections 21 and 22 of the Urban Mass Transportation Act. Section 21 currently authorizes grants for the terminal development program. The terminal development program is unnecessary becuase it describes project activities that can be funded under broader UMTA programs. Allocation and priorities for funds should be shaped by the degree of local need and national priorities for Federal funds rather than by narrow categorical grant programs.

The existing section 22 authorizes grants for intercity bus service. The program was created in 1978 and has never received appropriations from Congress. The project activities set forth in this program can also be funded under other UMTA programs.

Sections 302(b) and 302(c) are technical amendments to section 4 of the Urban Mass Transportation Act. These amendments prevent duplicative funding authorizations and conform to the provisions of section 302(a).

SECTION 303. BLOCK GRANTS

Section 303(a) represents a major restructuring of the UMTA grant programs. It was developed after a thorough analysis of various alternatives presented to the Committee and incorporates features of the Administration's proposal. The major feature of the bill is to reduce significantly the amount of funds delivered through the section 3 discretionary grant program and to increase dramatically the amount of UMTA funds delivered by formula. To deliver these formula funds, section 303(a) creates a block grant program for projects in urbanized areas. Recipients of section 9 funds would be provided funds through an annual grant agreement instead of through project-by-project grants. The principal benefits of the block grant program include greater simplicity, enhanced predictability in funding and greater flexibility for State and local governments. More specifically, the block grant program would turn much of the control now exercised at the Federal level over to State and local governments, allow UMTA to administer more ef-

fectively its complete range of program activities, and reduce the paperwork burden at all levels of government.

The program created by section 303(a) would be authorized in section 9 of the Urban Mass Transportation Act. Section 9(a) stipulates that 88.34 percent of the amounts appropriated pursuant to the section 21(a)(1) unitary authorization from the general fund of the Treasury shall be available to urbanized areas with populations of 200,000 or more and that 8.73 percent shall be available to urbanized areas with populations of less than 200,000.

As provided in section 9(b)(1), the block grant assistance for urbanized areas with populations less than 200,000 would be delivered half on the basis of the ratio which the population of each such urbanized area bears to the total population of all such urbanized areas and half on the basis of a ratio for each such urbanized area determined by population weighted by a factor of density. The latest available periodic Federal census would be used as the source for these calculations. It is the intention of this Committee that all the calculations for apportionments in any given fiscal year be determined using the results from the latest Federal census.

Section 9(b)(2) sets forth a series of factors upon which the 8.34 percent authorized for urbanized areas with populations of 200,000 or more would be delivered.

50.64 percent of the funds appropriated pursuant to the unitary authorization and from the general fund of the Treasury shall be made available to the larger urbanized areas on the basis of one-fourth population one-fourth population weighted by a factor of density one-half bus revenue vehicle mile formula.

6.5 percent of the funds appropriated pursuant to the unitary authorization and from the general fund of the Treasury shall be made available to the larger urbanized areas on the basis of an incentive formula based on the operating efficiency of the bus systems in larger urbanized areas.

The remaining 2.6 percent appropriated pursuant to the unitary authorization and from the general fund of the Treasury shall be made available to the larger urbanized areas on the basis of an incentive formula based on the operating efficiency of the rail systems in larger urbanized areas.

These calculations should be based on the most reliable and up-to-date data, using comparable time periods whenever practicable. The Secretary may use statistical techniques if necessary to calculate data which is not available by any other means. As used in section 9(b), "revenue vehicle miles" means the sum of the number of miles that each transit vehicle travels while in revenue service. The Committee expects that the administrative definition of revenue vehicle miles would include, to the extent feasible and appropriate, all scheduled route mass transportation service and special or flexible route mass transportation service operated by or under contract to a public body as part of an overall public transportation program. The concept of vehicles directly serving a large urbanized area has been clarified so that service outside of an urbanized area which brings passengers into the urbanized area and is not otherwise included in the formula apportionment would be included in that urbanized area's apportionment.

Furthermore, rail vehicle miles subsidized by a State, such as those which Connecticut subsidizes outside of the New York urbanized area, should be included in the calculation and allocated to the appropriate public body in Connecticut.

Section 9(c) provides that the governor receives and distributes fairly and equitably block grant funds for urbanized areas of less than 200,000. It also provides for the selection of designated recipients to receive and dispense funds for urbanized areas of 200,000 or more. This provision is identical to the delivery mechanism for the current section 5 urbanized formula grant program.

Section 9(d) sets forth a maximum 80 percent Federal share for capital projects and a maximum 50 percent Federal share of operating deficits for the payment of operating expenses. However, the Federal share for capital projects may increase to as much as 95 percent under the provisions of an incentive mechanism provided in section 9(h). This incentive mechanism is explained in greater detail below.

Section 9(e)(1) requires block grant recipients to comply with the section 3(e) private enterprise participation provision, the section 3(f) charter bus provision, the section 3(g) school bus provision, section 8 planning provisions, section 13 labor protection and standards provisions, the section 16 provisions to meet special needs of the elderly and the handicapped, and section 19 nondiscrimination provisions of the Urban Mass Transportation Act.

Section 9(e)(1) also applies the definitions set forth in section 12(c) of the Urban Mass Transportation Act to all section 9 block grants and authorizes the Secretary to make advance or progress payments on account of any grant or contract made pursuant to section 9. Furthermore, section 9(e)(1) would ensure that no requirements under the Urban Mass Transportation Act, except for those requirements expressly specified in section 9, would be applicable to the section 9 program. Cross-cutting Federal requirements, such as title VI of the Civil Rights Act of 1964, the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, the National Flood Insurance Act of 1968, and the National Environmental Policy Act of 1969, would not be changed by the section 9 program.

In addition to the section 9(e)(1) requirements and as a precondition to receiving section 9 assistance, each block grant recipient must, in compliance with section 9(e)(2), certify annually: (A) legal, financial, and technical capacity to carry out the proposed program; (B) continuing control over the use of facilities and equipment and maintenance of those facilities and equipment in operational order; (C) a competitive procurement process; (D) compliance with the Buy America provision of the Surface Transportation Act of 1978; (E) compliance with specific public hearing requirements; (F) compliance with the half-fare requirements for elderly and handicapped persons in accordance with section 5(m) of the Urban Mass Transportation Act; and (G) inclusion of medicare cardholders among the persons protected by the section 5(m) half-fare requirements.

In requiring that grantees certify that they have a competitive process to procure services, facilities, and equipment, it is the Committee's intent to promote economical, efficient, and competitive

procurements. The Committee believes that this goal is best achieved by grantees following a procurement procedure that provides maximum free and open competition, that does not allow exclusionary or discriminatory practices or otherwise restrict or eliminate competition and that provides protection against fraud and abuse. In most cases, grantees will be able to rely upon State and local laws governing procurements with public funds, unless those laws are inconsistent with the principles set forth in the preceding sentence.

The section 9(e)(2)(G) certification would create a uniform means of identification for elderly and handicapped persons who wish to use transit systems. Section 5(m) of the Urban Mass Transportation Act curently requires recipients of funds to certify that elderly and handicapped persons will not have to pay more than half-fare during the off-peak hours. Section 9(e)(2)(G) would not change this reduced fare provision, but it would require that a transit system which receives section 9 funds provide this reduced fare to any person who had a validly issued medicare card. The transit system would have to certify that it accepts medicare cards or it would lose section 9 assistance. The transit system, of course, could require some type of identification, such as a driver's license, to ensure that the card was issued to the user. UMTA and the transit systems will have a reasonable period of time to implement this provision.

Section 9(f) stipulates that the Secretary must accept a recipient's section 9(a)(2) certification before he can award a section 9 grant to that recipient. Section 9(f) also permits the Secretary to rescind his acceptance of a section 9(e)(2) certification if he finds it necessary to do so.

Section 9(g)(1) extends the reporting requirements of section 15 of the Urban Mass Transportation Act to the recipients of grants under section 9. Section 15 currently requires recipients of section 5 urban formula grants to provide UMTA with certain public mass transportation financial and operating information using a uniform system. This information has been helpful to Federal, State, and local governments in assessing public transportation needs. Additional data will be required to apportion funds under the new formula created by this section. Notwithstanding the provisions of Office of Management and Budget Circular A-40, which limits data collection, the Secretary should act quickly to obtain any necessary data.

Section 9(g)(2) sets forth the audit requirements for block grant recipients. The provision would require each recipient to submit to the Secretary an annual, independently conducted audit. This audit would indicate to the Secretary whether the recipient has carried out and can continue to carry out its activities in a timely manner and in compliance with the grant agreement and the applicable provisions of the Urban Mass Transportation Act, including the requirement to maintain facilities and equipment purchased with Federal funds. Section 9(g)(2) authorizes the Secretary to make adjustments in existing or future section 9 grants if he determines on the basis of the audit that such an adjustment is justified.

Section 9(h)(1) stipulates that section 9 grant recipients may use those grants to meet either capital or operating expenses. However,

section 9(h)(2)(A) limits the amount of section 9 funds that a recipient may use as operating assistance or the lesser of either the amount of funds apportioned to it under the first three tiers of section 5 of the Urban Mass Transportation Act for operating assistance in fiscal year 1982 or the amount allocated from those tiers for operating assistance in fiscal year 1982. Furthermore, any recipient located in an urbanized area which has an urbanized area based upon 1970 census data and which had total maintenance expenditures in fiscal year 1982 of more than twice its section 5 operating assistance apportionment or allocation from fiscal year 1982, is required by section 9(h)(2)(A) to expend that portion of its section 9 apportionment or allocation which it expends for other than capital purposes on maintenance expenses. If maintenance expenditures for the recipient in such urbanized areas were less than twice its section 5 operating assistance apportionment or allocation, any such recipient who elects to expend funds for other than construction purposes is required by section 9(h)(2)(A) to expend such funds only for maintenance until the expenditures equal an amount equal to at least half of the total expenditure by such recipient for maintenance in fiscal year 1982. Any recipient in an urbanized area which became an urbanized area based upon the 1980 census is required to give priority to its maintenance expenses.

Section 9(h)(2)(B) creates an incentive mechanism to encourage recipients to use section 9 operating funds for capital expenses. This provision raises the Federal share for any construction project or parts thereof paid for with funds available for operating and maintance assistance from the 80 percent share specified in section 9(d) to 95 percent of the cost of the project or part thereof. In addition, if in any given fiscal year, a recipient uses all of its operating and maintenance funds on construction projects, the Federal share paid for with section 9 funds available for capital only or with section 3 funds shall be raised from the 80 percent share specified in section 9(d) to 90 percent. Finally, if in any given fiscal year, a recipient uses more than half but less than all of the funds available for operating and maintenance assistance on construction projects, the Federal share paid for with section 9 funds available for capital only or with section 3 funds shall be raised to 85 percent.

Section 9(i) provides that section 9 funds will be available to the urbanized areas for a period of four years. This provision parallels the lapse provision in section 5 of the Urban Mass Transportation Act.

Section 303(b) amends section 3(a)(1)(B) of the Urban Mass Transportation Act to ensure that routine bus and bus-related needs are met out of the section 9 block grant. This amendment extends a provision which presently applies to capital formula apportionments under section 5, title IV, of the Urban Mass Transportation Act.

Section 303(c) is a technical amendment to section 4(a) of the Urban Mass Transportation Act to conform with the section 9(h)(B) incentive mechanism.

Section 303(d) amends the section 3 discretionary capital grant program to require that recipients of capital grants have the technical and financial capability to maintain facilities and equipment that are purchased with Federal funds. There is a Federal interest

in ensuring that operating costs are not turned into capital costs by way of deferred maintenance. However, the Department of Transportation should not prescribe specific maintenance activities, because that is primarily a local responsibility.

In both section 3 and section 9, the Committee incorporated language requiring that a grant recipient have sufficient capability to maintain the facilities and equipment purchased with Federal funds, a requirement in addition to the legal, financial, and technical capacity to carry out a project. The Committee's intent is to provide additional incentive for improved maintenance, beyond the requirements with respect to maintenance contained in section 9(h)(2)(A), in recognition of the generally poor record of maintenance performed by transit systems in this country. This concern was highlighted in a recent report on public transit issued by the Committee's Subcommittee on Investigations and Oversight. During Committee markup, the requirement applicable to section 3 discretionary capital grants was added with the intent that the Secretary review transit authorities' maintenance systems prior to approving new discretionary grants to ensure that they have sufficient capability to maintain the equipment. This amendment should help make sure that capital equipment lasts its expected useful life.

SECTION 304. LETTER OF INTENT

Section 304(a) requires the Secretary to notify, in writing, the House Committee on Public Works and Transportation and the Senate Committee on Banking, Housing, and Urban Affairs at least thirty days prior to the issuance of a letter of intent to obligate future Appropriation Act funds for a project. Section 304(b) is a technical amendment to conform with the change in the funding source for the section 3 discretionary capital grant program.

SECTION 305. RESEARCH AND TRAINING GRANT

Section 305(a) extends the funding authorizations to carry out the section 11(b) university operating grants. Section 305(a) would authorize $10 million in each fiscal year from 1983 to 1986, inclusive. This section has not received appropriations, but the Committee believes incentives for research are absolutely necessary for advancements in transportation.

Section 305(b) removes a restriction in the existing Urban Mass Transportation Act that required the 50 percent local match for university operating projects to come from State funds. This amendment permits the local share to consist of any non-Federal funds.

SECTION 306. PROCUREMENT FACTORS

Section 306 amends section 12(b)(2) of the Urban Mass Transportation Act to permit contracts for the purchase of rolling stock to be awarded based on a competitive procurement process instead of performance, standardization, life-cycle costs, and other factors as a presently permitted by section 12(b)(2). The competitive procurement process can use either competitive bids or competitive negoti-

ation. This change would permit transit authorities to use evaluated bids to award contracts but would not require it. This provision would provide an alternative means of complying with the life-cycle cost requirement that is currently in the DOT Appropriations Act.

SECTION 307. DEFINITION OF FIXED GUIDEWAY

Sections 9(a)(2)(B) and (9a)(2)(D) would apportion block grant assistance to transit systems which operate fixed guideway system. There apportionments were developed to help transit authorities shoulder the heavy financial burdens of maintaining and operating rail systems and exclusive bus lanes. Trolley systems (both rail and bus) which run in city streets also incur high maintenance and operating costs. However, these systems would not qualify for the section 9(a)(2) apportionments under the present section 12 definition of fixed guideway, which requires that a "separate right-of-way" be occupied for the "exclusive use" of public transportation services or other high occupancy vehicles. City streets, the right-of-way utilized by trolley systems (both rail and bus), are not occupied for the excluse use of public transportation services or other high occupancy vehicles.

Section 307 revises the definition of "fixed guideway" in section 12(c)(2) of the Urban Mass Transportation Act of 1964 to clarify that rails that are used exclusively by transit vehicles operating in mixed traffic and electric catenary systems for trolley buses are to be included in the section 9(a)(2) formula apportionments. Of course, a mile of track with a mile of electric caternary overhead is to be counted as only a mile of fixed guideway for the purposes of the section 9(a)(2) apportionments. Maintenance or emergency vehicles are permitted to use the fixed guideway.

SECTION 308. ADVERTISING FOR BIDS

Section 308 repeals the current bus seat specification provision in section 12 of the Urban Mass Transportation Act. This provision, section 12(g), became unnecessary as a result of UMTA's administrative phase-out of Federal bus specifications.

SECTION 309. PERFORMANCE REPORTS

Section 309 requires the Secretary to report to Congress every two years on the ability of the nation's transit systems to provide transportation and on the general condition of those transit systems. The reports required by this section will provide both Congress and the Secretary with valuable information that will enable them to be more responsive to the problems experienced by public mass transportation systems. The Secretary should also estimate future needs for such facilities in areas of in-migration and areas of out-migration.

SECTION 310. CONSTRUCTION CONDITION

Section 310 provides that any new grants or grant amendments to the Metropolitan Atlanta Rapid Transit Authority (MARTA) must meet a legislative requirement that the north and south lines

of the MARTA system will be constructed in equivalent segment lengths that are open to operations at approximately the same time.

SECTION 311. LOAN REPAYMENT

Section 311 would excuse the Massachusetts Bay Transportation Authority from repaying the Federal Government for the balance of transit funds that were borrowed to acquire rail properties from the Penn Central Railroad in 1973 and from the Boston and Maine Railroad in 1976. An amount equal to 80 percent of the balance of the principal and interest (approximately $45 million) would be forgiven outright by section 311(a).

Section 311(b) provides that the remaining 20 percent would have to be repaid unless the Secretary chose to convert it into a grant. The Secretary would have the further discretion to waive the local share requirement for this grant if the Authority agreed to complete transit projects worth a certain amount without using Federal funds Three new locally funded capital projects would have to exceed 33 percent of the original amount of grant MA-03-9010 and 20 percent of the original amount of grant MA-23-9010. These locally funded projects that would have been eligible for section 3(a) assistance would therefore have to exceed $11.3 million and would have to be undertaken on a schedule acceptable to the Secretary.

TITLE IV

SECTION 401. BUY AMERICA

This section expands the application of the Buy America section of the Surface Transportation Assistance Act of 1978 from funds authorized by that Act, or any Act amended thereby, to include funds authorized under this Act, or title 23 U.S.C. (highways), or the Urban Mass Transportation Act of 1964.

A considerable amount of concern has been expressed by Members of this Committee that Federal funds, in particular Federal mass transit funds, should *not* be awarded to companies whose home country is a nation with which the United States had a trade deficit in the prior fiscal year. It is felt that some action must be taken to illustrate to our trading partners that the United States expects the same fair treatment for its products as this country customarily affords foreign merchandise. Thus a new Section 401(c) was added which would require a second test. The Committee believes that this provision will send a clear signal to our trade partners that, in the area of mass transit rolling stock acquisition, we request a free and fair international market.

The new Section 401(c) provides that Federal funds cannot be used to purchase buses or other rolling stock if a significant portion of the bus or other rolling stock is the product of a country with which the United States had a trade deficit in the fiscal year preceeding the date of approval of the project. It is the Committee's intent that "significant portion" be considered 15 percent or more of the cost of components of the bus or other rolling stock. Also, it is the Committee's intent that the term trade deficit mean the balance between the United States and other countries with respect to

the import and export of merchandise and services. For the purposes of this section, the trade balance, reflecting a surplus or deficit, will be that determined during the most recent reportable year. An example of the two-tier test now required by Section 401 is as follows: A foreign manufacture offers a bus whose components costs are 60 percent U.S. and 40 percent foreign, and final assembly will take place in the United States. This bus meets the requirements of Section 401(a). However, if the 40 percent foreign components originate in a country with which the United States has a trade deficit, the bus is not eligible for Federal assistance (unless one of the waivers of Section 401(c) applies—see examples below). If however, 15 percent of the foreign components are from a country with which the Untied States has a trade deficit, and the other 25 percent foreign components are from a country with which the United States has a positive trade balance, the bus is eligible for Federal assistance.

The Committee intends that there be two waivers to new Section 401(c). The first Section 401(c) waiver provides for a waiver of Section 401(c) if "a comparable bus or rolling stock is not available in the United States." It is the Committee's intent that "available in the United States" means a domestic end product that meets the statutory and regulatory requirements of Section 401(a). The waiver would come into play if all bids for a bus or other rolling stock complied with Section 401(a), but their foreign component content was from a country with which the United States had a trade deficit. The waiver would be granted in this situation because without the waiver, no puchase with Federal funds could be made in this specific instance. The second 401(c) waiver provides that if there is at least a 10 percentum cost differential between a bus or other rolling stock that complies with Section 401(c) and one that does not, the bid can be awarded to the manufacturer that does not comply. For example, if bid A offers a domestic end product containing foreign components from a country with which the United States has a trade deficit, and bid B offers a domestic end product containing foreign components from a country with which the United States has a positive trade balance, the waiver would be granted to bid A if bid A were 10 percent or lower than bid B.

COMPLIANCE WITH CLAUSE 2 (l) OF RULES XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES

(1) With reference to clause 2(l)(3)(A) of Rule XI of the Rules of the House of Representatives, there have been separate findings and recommendations on the subject matter of this legislation submitted by the Subcommittee on Investigations and Oversight. Specifically, they concerned standards for non-Interstate highway resurfacing, restoration and rehabilitation and on the overall structure for the Urban Mass Transportation program. This legislation adopts the Subcommittee recommendations for the non-Interstate highway standards and incorporates many of the findings and suggestions of the Subcommittee on restructuring the Urban Mass Transportation program, specifically pertaining to the block grant concept. The Subcommittee on Surface Transportation held exten-

sive hearings, both in Washington and in the field, on the subject matter, which resulted in Titles I, II, and III of the reported bill.

(2) Clause 2(l)(3)(B) of Rule XI of the Rules of the House of Representatives requires that the report of any Committee on a measure which has been approved by the Committee shall include the statement required by section 308(a) of the Congressional Budget and Impoundment Control Act of 1974, if the measure provides new budget authority or new or increased tax expenditures.

With respect to section 308(a)(1)(A), the letter submitted by the Director of the Congressional Budget Office under (3) below satisfies the requirement.

With respect to section 308(a)(1)(B), the letter submitted by the Director of the Congressional Budget Office under (3) below satisfies the requirement.

With respect to section 308(a)(1)(C) of the Congressional Budget and Impoundment Control Act of 1974, virtually all new budget authority provided in the reported bill is for financial assistance to State and local governments, except for normal administrative deductions to carry out the programs and other provisions requiring direct Federal administration, such as for research and development and some Federal domain road programs.

(3) With respect to clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee has received the following report prepared by the Congressional Budget Office under section 403 of the Congressional Budget Act.

The report is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 17, 1982.

Hon. JAMES J. HOWARD,
Chairman, Committee on Public Works and Transportation, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Sections 308 and 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 6211, the Surface Transportation Assistance Act of 1982.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

JAMES BLUM
(For Alice M. Rivlin, Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill No.: H.R. 6211.
2. Bill title: Surface Transportation Assistance Act of 1982.
3. Bill status: As ordered reported by the House Committee on Public Works and Transportation, May 12, 1982.
4. Bill purpose: This bill has three titles: Title I—the Federal Aid-Highway Act of 1982; Title II—the Highway Safety Act of 1982; and Title III—the Federal Public Transportation Act of 1982.

Title I, the Federal-Aid Highway Act of 1982, provides direct spending authority of $28 billion for fiscal years 1983 through 1990

for interstate highway construction, and increase of $2.625 billion from the levels in current law. In addition, for fiscal years 1983 through 1986, the bill authorizes a total of $10.4 billion for interstate 4-R (resurfacing, restoration, rehabilitation, and reconstruction) work, a total of $8.8 billion for primary road construction, $2.4 billion for rural/secondary road construction, $3.2 billion for urban system roads, $196 million for forest highways and public lands construction, $3.1 billion for interstrate substitution projects, $48 million for territories' road construction, and $52 million for fiscal years 1983 through 1985 for a special demonstration project. All of these authorizations are direct spending contract authority from the Highway Trust Fund. In addition to the direct spending provided, this title authorizes total appropriations of $332 million for the Indian reservation roads program for fiscal years 1983 through 1986.

Section 104 imposes overall obligation ceilings for federal-aid highways and highway safety construction projects, $12.2 billion for 1983, $12.7 billion for 1984, $13.5 billion for 1985, and $14.4 billion for 1986. The obligation ceiling imposed for fiscal year 1983 is $3.4 billion higher than the $8.8 billion ceiling established by the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35. In addition to setting the overall obligation limitation, this provision directs the Secretary of Transportation to allocate the ceiling according to a specific formula.

Title I makes a number of programmatic changes, including: amending the current apportionment formula for interstate reconstruction to one equally weighted by a state's share of vehicle miles, a state's share of gasoline consumption, and a state's share of diesel fuel consumption; funding the interstate substitution projects from the Highway Trust Fund; permitting regular interstate construction funds to be available to a state only until the end of the year for which authorized; allowing regular interstate construction funds to be transferred to interstate reconstruction projects; and providing a 90 percent federal match for primary road construction funds used on the interstate system.

For fiscal years 1983 through 1986, Title II, the Highway Safety Act of 1982, provides direct spending authority of $6.9 billion for bridge safety construction, $800 million for the hazards elimination program, and $760 million for the rail-highway crossings projects.

In addition, the bill extends the "402" safety grant programs and "403" safety research and development programs of both the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA). Section 203 of the bill provides the NHTSA 402 safety grant program an additional $100 million for each of the fiscal years 1985 and 1986 and the FHWA 402 safety grant program an additional $10 million for each of these years. For 1985 and 1986, this section also authorizes the appropriation of $31 million from the Highway Trust Fund for "403" NHTSA safety research and development and $13 million for each year for FHWA "403" safety research and development.

Obligation ceilings for the NHTSA safety grant program are set at $125 million for 1983, $150 million for 1984, $150 million for 1985, and $100 million for 1986. For the FHWA safety grant program, the obligation limitation is set at $10 million for each of the

years 1983 through 1986. The bill directs that from the NHTSA safety grant amounts, $20 million shall be set aside for enforcement of the 55 miles-per-hour speed limit.

Further, Title II establishes a special incentive program for states that adopt and implement alcohol traffic safety programs. Subject to appropriations action, there is authorized from the Highway Trust Fund $25 million for 1983, and $50 million for each of the years 1984 and 1985 for an incentive grant program. Part B of Title II, the National Driver Register Act of 1982, established a national driver register to assist state officials in exchanging information regarding the motor vehicle driving records of individuals. For 1983, from general funds there is authorized to be appropriated $2 million to establish the register, and $1 million for 1983, $1.3 million for 1984, $1.6 million for 1985, and $1.6 million for 1986 to carry out the provisions of the National Driver Register Act of 1982.

Title III, the Federal Public Transportation Act of 1982, authorizes total appropriations of $16.4 billion for 1983 through 1986 for programs of the Urban Mass Transportation Administration (UMTA). The bill creates a new block grant program to carry out the provisions of section 3—urban discretionary grants, section 4(i)—innovative techniques, section 8—planning, section 9—urban formula grants, section 16(b)—elderly and handicapped, and section 18—rural and small urban grant programs. Twenty-five percent of the block grant is authorized to be appropriated for sections 3, 4(i), 8, and 16(b), with 2.93 percent of the remainder set aside for section 18. The remaining funds are for the new section 9 urban formula grant program, which is allocated among recipients on the basis of population, population density, level of service provided, and transit use. Urbanized areas may not obligate more of their section 9 funds for operating assistance in fiscal year 1983 and thereafter, than they received for operating assistance in fiscal year 1982. For the total block grant program, there is authorized to be appropriated $3,710 million in fiscal year 1983, $3,910 million in fiscal year 1984, $4,120 million in fiscal year 1985, and $4,350 million in fiscal year 1986.

The bill authorizes the appropriation of $84 million for 1983, $89 million for 1984, $91 million for 1985, and $93 million for 1986 for research, demonstration projects, and training. In addition, the bill amends the definition of "fixed guideway" to include streetcar and trolley bus systems, and requires the Secretary of Transportation to notify the appropriate Congressional authorizing committees at least 30 days prior to issuing letters of intent to provide future funding for transit projects. Title III does not amend the existing "such sums as may be necessary" authorization for the interstate substitution-transit program.

5. Cost estimate: This bill provides direct spending authority from the Highway Trust Fund, authorizes appropriations form the Highway Trust Fund, and authorizes the appropriation of general funds. The total budget impact for Titles I and II is shown in Table I, and the total budget impact for Title III and Table II.

TABLE I

[By fiscal years, in millions of dollars]

	1983	1984	1985	1986	1987
Budget authority/authorization level	7,154	8,477	9,233	10,165	375
Estimated outlays	606	2,936	5,629	7,254	7,473

The following table details the authorization levels and estimated outlays of Title III, the Federal Public Transportation Act of 1982.

TABLE II

[By fiscal years, in millions of dollars]

	1983	1984	1985	1986	1987
Authorization level	3,794	3,999	4,211	4,443	.....
Less: existing authorization	1,580	.....	.....	.....	.....
Net additional authorization	2,214	3,999	4,211	4,443	.....
Estimated outlays	1,125	1,586	2,110	2,738	2,148

The cost of this bill fall within budget function 400, except those associated with Indian reservation roads, which are in function 450.

Table I above shows only those costs associated with the provision of new budget authority or new authorizations. Total outlays for fiscal year 1983 for the Federal-aid highway program under the $12.2 billion obligation ceiling established by this bill would be approximately $8.8 billion. This is approximately $575 million above what is expected to occur under the existing obligation ceiling of $8.8 billion, which was established under the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35. The estimated outlays for the federal-aid highway account do not include amounts for the two "402" safety grant programs, the two "403" highway safety research and development accounts, Indian reservation roads, the new alcohol traffic safety program, or the driver register. These activities are not considered part of the Federal-aid highway program.

6. Basis of estimate: The budget authority or authorization levels included above are those stated in the bill. It is assumed that all funds authorized are appropriated.

Title I amends existing budget authority for the interstate construction program for fiscal years 1983 through 1989, as reflected below.

TABLE III

[By fiscal years, in millions of dollars]

	1983	1984	1985	1986	1987
Budget authority	4,000	4,000	4,000	4,000	4,000
Less: existing budget authority	3,625	3,625	3,625	3,625	3,625
Net additional budget authority	375	375	375	375	375
Estimated outlays	22	145	285	332	345

An additional three years of interstate construction authorizations totaling $12 billion, $4 billion for each year through 1990, are also provided by the bill, an additional $1.125 billion above current law.

In addition, the bill provides direct spending for fiscal years 1983 through 1986 for other construction programs in the federal-aid highway accounts, which include the following:

TABLE IV

[By fiscal years, in millions of dollars]

Program	1983	1984	1985	1986	1987
4–R	2,100	2,400	2,800	3,100	.....
Primary	2,000	2,100	2,200	2,500	.....
Secondary	600	600	600	600	.....
Urban	800	800	800	800	.....
Forest/public lands	49	49	49	49	.....
Interstate substitution	775	775	775	775	.....
Demonstration project	17	17	18	.....	.....
Territories	12	12	12	12	.....
Bridges	1,500	1,600	1,700	2,100	.....
Highway hazards	200	200	200	200	.....
Rail-highway crossings	190	190	190	190	.....
Total budget authority	8,243	8,743	9,344	10,326	.....
Less: Existing budget authority	1,575	775	775	775	.....
Net additional budget authority	6,668	7,968	8,569	9,551	.....
Estimated outlays	527	2,689	5,159	6,723	7,018

The total budget authority provided for fiscal year 1983 for the above federal-aid highway programs replaces the $800 million of existing contract authority established by the Federal-Aid Highway Act of 1981 (P.L. 97–134) for the 4–R program. In addition, under current law the interstate substitution highways program is authorized for such sums as may be necessary from general funds, subject to appropriations action. This bill provides direct spending at specific funding levels from the Highway Trust Fund. The budget authority and associated outlays are not included in the cost estimate section because they are not additional costs attributable to the bill. Spending authority also currently exists for the emergency relief program ($100 million per year for fiscal years after 1976), and for the California Redwoods By-Pass project ($55 million for fiscal year 1983). Neither of these funding levels is affected by this bill.

The bill further authorizes appropriations for the following programs:

TABLE V

[By fiscal years, in millions of dollars]

	1983	1984	1985	1986	1987
Indian reservation road	83.0	83.0	83.0	83.0	.....
Alcohol safety grants	25.0	50.0	50.0	.....	.....
Driver register	3.0	1.3	1.6	1.6	.....
Total authorization level	111.0	134.3	134.6	84.6	.....
Estimated outlays	56.5	101.8	134.6	109.6	42.0

Appropriations for the Indian reservation roads and alcohol safety grants are to be from the Highway Trust Fund and the appropriation for the driver register is to be from general funds.

Title II also provides direct spending at the existing 1983 and 1984 levels from the Highway Trust Fund for the 402 safety grant programs of both NHTSA and FHWA, as shown below:

TABLE VI

[By fiscal years, in millions of dollars]

	1983	1984	1985	1986	1987
NHTSA 402			100	100	
FHWA 402			10	10	
Total budget authority			110	110	
Estimated outlays			22	50	55

Funds are also authorized to be appropriated from the trust fund at existing 1983 and 1984 authorization levels for 403 safety research and development activities, as shown below:

TABLE VII

[By fiscal years, in millions of dollars]

	1983	1984	1985	1986	1987
NHTSA 403			31	31	
FHWA 403			13	13	
Total authorization level			44	44	
Estimated outlays			28	39	13

Title II also sets obligation ceilings for the 402 safety grant programs of both NHTSA and FHWA, as stated in the bill purpose. This rasies the existing obligation ceiling of NHTSA for fiscal year 1983 from $100 million to $125 million, and keeps the existing limitation for the FHWA program at $10 million for 1983.

Table VIII depicts the funding levels authorized for UMTA programs by Title III. It was assumed that section 8—planning, and section 4(i)—innovative techniques programs, would continue to be funded at the fiscal year 1982 level, and that one-half of the rural and small urban grant program would be used for operating assistance.

TABLE VIII

[By fiscal years, in millions of dollars]

Title III	1983	1984	1985	1986
Sections 3, 16(b)— Urban discretionary, elderly and handicapped programs	867	916	969	1,026
Section 9—Urban formula program	1,665	1,811	1,964	2,131
Operating Assistance	1,036	1,036	1,036	1,036
Section 18—Rural/small urban grant programs	81	86	90	96
Section 8, 4(i)—planning, innovative technique programs	61	61	61	61
Miscellaneous	84	89	91	93
Total authorization level	3,794	3,999	4,211	4,443

Under current law, the Surface Transportation Act of 1978, there exists for 1983 an authorization of $1.58 billion for section 3, the urban discretionary program. This authorization was subtracted from the new urban formula grant capital program level to arrive at the net additional authorizations attributable to this bill, as displayed in Table II. In addition to the above amounts, there is currently authorized "such sums as may be necessary" for the interstate substitution-transit program. This bill did not amend that program nor affect the existing authorization. The miscellaneous includes funding for research, training, university centers, and administration.

H.R. 6211 proposes to forgive the Massachusetts Bay Transportation Authority (MBTA) for loans numbered MA03-9001 and MA23-9010, entered into with the Secretary of Transportation under the Urban Mass Transportation Act of 1964 for the acquisition of rights-of-way. CBO has assumed that the MBTA will meet the criteria to have 100 percent of both loans forgiven. Based on information from UMTA, it is estimated that $14.2 million in principal and $9.5 million in interest on loan MA03-9001 becomes due in January 1983, and $22.8 million in principal and $19.7 million in interest on loan MA23-9010 becomes due in December 1986. CBO has therefore estimated the cost of forgiving the two loans at $23.7 million in fiscal year 1983 and $42.5 million in fiscal year 1987.

7. Estimate comparison; The Administration estimates outlays for the federal-aid highway account to be $8.026 billion in fiscal year 1983, assuming an obligation ceiling of $7.7 billion. Also, the Administration requests a NHTSA safety grant limitation of $77 million and no disbursement of FHWA safety grants in 1983.

8. Previous CBO estimate: On May 14, 1982, the Congressional Budget Office prepared a cost estimate for the Senate version of the Federal-Aid Highway Amendments of 1982, for the Senate Committee on Environment and Public Works. The Senate Committee's bill did not address safety grants, or public mass transportation. The Senate highway bill, besides providing new funding levels for fiscal years 1983 through 1986 for the various highway and safety construction accounts, set the 1983 obligation ceiling at $8.2 billion.

9. Estimate Prepared by: Titles I, II, Patrick J. McCann; Titles III, Amy Dines.

10. Estimate Approved by:

C. G. NUCKULUS
(For James L. Blum,
Assistant Director for Budget Analysis).

(4) With respect to clause 3(1) (3) (D) of rule XI of the Rules of the House of Representatives, the Committee has not received a report from the Committee on Government Operations pertaining to the subject matter.

(5) With reference to clause 2 (1) (4) of rule XI of the Rules of the House of Representatives, passage of H.R. 6211 should have a negligible inflationary impact on prices and costs in the operation of the national economy. The Committee believes that provisions aimed at increased flexibility for States, streamlined procedures for processing projects and less red tape may in fact lead to a positive inflationary impact.

COST OF LEGISLATION

In accordance with rule XIII(7) of the Rules of the House of Representatives, the cost to the United States in carrying out H.R. 6211, as reported, in fiscal year 1983, and in each of the five following fiscal years, is estimated by the Committee to be costs which appear in the report of the Congressional Budget Office.

VOTE

The Committed ordered the bill reported by voice vote.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 108 OF THE FEDERAL-AID HIGHWAY ACT OF 1956

Sec. 108. National System of Interstate and Defense Highways

(a) * * *

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of expediting the construction, reconstruction, or improvement, inclusive of necessary bridges and tunnels, of the Interstate System, including extensions thereof through urban areas, designated in accordance with the provisions of subsection (d) of section 103 of title 23, United States Code, there is hereby authorized to be appropriated the additional sum of $1,000,000,000 for the fiscal year ending June 30, 1957, which sum shall be in addition to the authorization heretofore made for that year, the additional sum of $1,700,000,000 for the fiscal year ending June 30, 1958, the additional sum of $2,200,000,000 for the fiscal year ending June 30, 1959, the additional sum of $2,500,000,000 for the fiscal year ending June 30, 1960, the additional sum of $1,800,000,000 for the fiscal year ending June 30, 1961, the additional sum of $2,200,000,000 for the fiscal year ending June 30, 1962, the additional sum of $2,400,000,000 for

the fiscal year ending June 30, 1963, the additional sum of $2,600,000,000 for the fiscal year ending June 30, 1964, the additional sum of $2,700,000,000 for the fiscal year ending June 30, 1965, the additional sum of $2,800,000,000 for the fiscal year ending June 30, 1966, the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1967, the additional sum of $3,400,000,000 for the fiscal year ending June 30, 1968, the additional sum of $3,800,000,000 for the fiscal year ending June 30, 1969, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1970, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1971, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1972, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1973, the additional sum of $2,600,000,000 for the fiscal year ending June 30, 1974, the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1975, the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1976, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1977, the additional sum of $3,250,000,000 for the fiscal year ending September 30, 1978, the additional sum of $3,250,000,000 for the fiscal year ending September 30, 1979, the additional sum of $3,250,000,000 for the fiscal year ending September 30, 1980, the additional sum of $3,500,000,000 for the fiscal year ending September 30, 1981, the additional sum of $3,500,000,000 for the fiscal year ending September 30, 1982, the additional sum of $3,200,000,000 for the fiscal year ending September 30, 1983, [the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1984, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1985, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1986, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1987, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1988, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1989, and the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1990.] *the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1984, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1985, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1986, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1987, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1988, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1989, and the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1990.* Nothing in this subsection shall be construed to authorize the appropriation of any sums to carry out sections 131, 136, or 319(b) of title 23, United States Code, or any provision of law relating to highway safety enacted after May 1, 1966. Beginning with funds authorized to be appropriated for fiscal year 1980, no such funds shall be available for projects to expand or clear zones immediately adjacent to the paved roadway of routes designed prior to February, 1967. Effective on and after the date of enactment of this sentence, the obligation of funds authorized by this subsection, except for advance construction interstate projects approved before the date of enactment of this sentence, shall be limited to the construction neces-

sary to provide a minimum level of acceptable service on the Interstate System which shall consist of (1) full access control; (2) a pavement design to accommodate the types and volumes of traffic anticipated for the twenty-year period from date of authorization of the initial basic construction contract; (3) essential environmental requirements; (4) a design of not more than six lanes (exclusive of high occupancy vehicle lanes) in rural areas and all urbanized areas under four hundred thousand population, and up to eight lanes (exclusive of high occupancy vehicle lanes) in urbanized areas of four hundred thousand population or more as shown in the 1980 Federal census; and (5) those high occupancy vehicle lanes (including approaches and all directly related facilities) included in the interstate cost estimate for fiscal year 1981. The obligation of funds authorized by this subsection shall be further limited to the actual costs of only those design concepts, locations, geometrics, and other construction features included in the 1981 interstate cost estimate, except in any case where the Secretary of Transportation determines that a provision of Federal law requires a different design, location, geometric, or other construction feature of a type authorized by this subsection. *Where a project is to be constructed with high occupancy vehicle lanes which flow into a distributor system emptying directly into ramps for off-street parking with perferential parking for carpools, vanpools, and buses, and the ramps are part of an environmental mitigation plan and are designed to feed into an aerial walkway system, the cost of such parking ramps may be added to the 1981 Interstate Cost Estimate by the State for construction as part of the completion of the Interstate System.* For purposes of this subsection, construction necessary to provide a minimum level of acceptable service on the Interstate System shall include, but not be limnited to, any construction on the Interstate System which is required under a court order issued before the date of enactment of this sentence.

OMNIBUS BUDGET RECONCILIATION ACT OF 1981

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TITLE XI—TRANSPORTATION AND RELATED PROGRAMS

* * * * * * *

Subtitle B—Highways and Highway Safety

SEC. 1106. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1982 shall not exceed $8,200,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, or projects covered under section 147 of the Surface Transportation Assistance Act of 1978. No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code, or section 147 of the Surface Transportation Assistance Act of 1978.

(b) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construc-

tion programs for fiscal year 1983 shall not exceed $8,800,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, or projects covered under section 147 of the Surface Transportation Assistance Act of 1978. No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code, or section 147 of the Surface Transportation Assistance Act of 1978.

[(c) For each of the fiscal years 1982 and 1983, the Secretary of Transportation shall distribute the limitation imposed by subsections (a) and (b) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to each State for each such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to all the States for each such fiscal year.]

(c) For the fiscal year 1982, the Secretary of Transportation shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to all the States for such fiscal year.

(d) During the [periods] *period* October 1 through December 31, 1981, [and October 1 through December 31, 1982,] no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (c), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection.

(e) Notwithstanding subsections (c) and (d), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1982, [and after August 1, 1983,] revise a distribution of the funds made available under subsection (c) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year; and

(3) not distribute amounts authorized for administrative expenses and forest highways.

SEC. 1107. (a)(1) There is hereby authorized to be appropriated for carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $100,000,000 per fiscal year for each of the fiscal years ending September 30, 1982, September 30, 1983, and September 30, 1984.

(2) Out of the funds authorized to be appropriated under paragraph (1) of this subsection for each of the fiscal years ending September 30, 1982, September 30, 1983, and September 30, 1984, not

less than $20,000,000 per fiscal year shall be obligated under section 402 of title 23, United States Code, for the purpose of enforcing the fifty-five miles per hour speed limit established by section 154 of such title.

(3) Each State shall expend each fiscal year not less than 2 per centum of the amount apportioned to it for such fiscal year of the sums authorized by paragraph (1) of this subsection, for programs to encourage the use of safety belts by drivers of, and passengers in, motor vehicles.

(b) Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the National Highway Traffic Safety Administration under section 402 of title 23, United States Code, shall not exceed [$100,000,000, per fiscal year for each of the fiscal years ending September 30, 1982, September 30, 1983, and September 30, 1984,] and the total of all obligations for highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, United States Code, shall not exceed [$10,000,000, per fiscal year for each of such fiscal years] *$10,000,000 for such fiscal year.*

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FEDERAL-AID HIGHWAY ACT OF 1978

* * * * * * *

HIGHWAY AUTHORIZATION

SEC. 104. (a) * * *

* * * * * * *

(c) In the case of priority primary routes, $125,000,000 per fiscal year of the sums authorized for each of fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, by subsection (a)(1) of this section for such routes, shall not be apportioned. Such $125,000,000 of each such authorized sum shall be available for obligation on the date of apportionment of funds for each such fiscal year, in the same manner and to the same extent as the sums apportioned on such date, except that such $125,000,000 shall be available for obligation at the discretion of the Secretary of Transportation only for projects of unusually high cost or which require long periods of time for their construction. [Any part] *Except for fiscal year 1982, any part* of such $125,000,000 not obligated by such Secretary on or before the last day of the fiscal year for which authorized shall be immediately apportioned in the same manner as funds apportioned for the next succeeding fiscal year for primary system routes, and available for obligation for the same periods as such apportionment. *The $125,000,000 authorized for the fiscal year ending September 30, 1982, shall remain available for obligation until expended. After September 30, 1982, funds authorized for fiscal year 1982 shall be available for obligation by the Secretary for those priority primary routes under section 147 of this title designated in committee print*

numbered 97-45 of the Committee on Public Works and Transportation of the House of Representatives.

* * * * * * *

CONNECTOR PRIMARY DEMONSTRATION

[SEC. 151. (a) The Secretary of Transportation, in cooperation with the States of New Mexico and Texas, shall conduct a demonstration project to upgrade routes on the Federal-aid primary system between Las Cruces, New Mexico, and Amarillo, Texas, and between Lubbock, Texas, and Interstate Route 10. The project shall demonstrate means by which the service provided by the Interstate System can efficiently and effectively be supplemented by such improvement.

[(b) Funds to carry out the project authorized by subsection (a) shall come either (1) from funds apportioned to the States of New Mexico and Texas under section 104(b)(1) of title 23, United States Code with the Federal share of the project cost at 90 per centum, or (2) from funds available for obligation at the discretion of the Secretary of Transportation for priority primary routes with the Federal share of the project cost that applicable to such priority primary routes, without regard to whether such routes are in fact designated as priority primary routes.]

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SURFACE TRANSPORTATION ASSISTANCE ACT OF 1978

TITLE I

* * * * * * *

INTERSTATE SYSTEM RESURFACING

SEC. 105. In addition to any other funds authorized to be appropriated, there is authorized to be appropriated, out of the Highway Trust Fund, not to exceed $175,000,000 for the fiscal year ending September 30, 1982, not to exceed $800,000,000 for the fiscal year ending September 30, 1983, [and not exceed $800,000,000 for the fiscal year ending September 30, 1984] *not to exceed $2,100,000,000 for the fiscal year ending September 30, 1984, not to exceed $2,400,000,000 for the fiscal year ending September 30, 1985, not to exceed $2,800,000,000 for the fiscal year ending September 30, 1986, and not to exceed $3,100,000,000 for the fiscal year ending September 30, 1987.* Such sums shall be obligated for projects for resurfacing, restoring, and rehabilitating those lanes on the Interstate System which have been in use for more than five years and which are not on toll roads, except that where a State certifys to the Secretary that any part of such sums are excess to the needs of such State for resurfacing, restoring or rehabilitating Interstate System lanes and the Secretary accepts such certification, such State may transfer sums apportioned to it under section 104(b)(5)(B) to its apportionment under section 104(b)(1). Such sums may also be obligated for projects for resurfacing, restoring, and rehabilitating lanes

in use for more than five years on a toll road which has been designated as a part of the Interstate System if an agreement satisfactory to the Secretary of Transportation has been reached with the State highway department and any public authority with jurisdiction over such toll road prior to the approval of such project that the toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against it, and the cost of maintenance and operation and debt service during the period of toll collections. The agreement referred to in the preceding sentence shall contain a provision requireing that if, for any reason, a toll road receiving Federal assistance under this section does not become free to the public upon collection of sufficient tolls, as specified in the preceding sentence, Federal funds used for projects on such toll road pursuant to this section shall be repaid to the Federal Treasury.

* * * * * * *

TITLE IV

BUY AMERICA

SEC. 401. (a) Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act or by any Act amended by this Act *or, after the date of enactment of this Act, any funds authorized to be appropriated to carry out this Act, title 23, United States Code, or the Urban Mass Transportation Act of 1964* and administered by the Department of Transportation, whose total cost exceeds $500,000 unless only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, and supplies mined, produced, or manufactured, as the case may be, in the United States, will be used in such project.

(b) The provisions of subsection (a) of this section shall not apply where the Secretary determines—

(1) their application would be inconsistent with the public interest;

(2) in the case of acquisition of rolling stock their application would result in unreasonable cost (after granting appropriate price adjustments to domestic products based on that portion of project cost likely to be returned to the United States and to the States in the form of tax revenues;

(3) supplies of the class or kind to be used in the manufacture of articles, materials, supplies that are not mined, produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(4) that inclusion of domestic material will increase the cost of the overall project contract by more than [10] *20* per centum.

(c) Notwithstanding any other provision of law, for the purpose of determining the amount of Federal financial assistance for any project under the Urban Mass Transportation Act of 1964, the cost of

such project shall not include the cost of acquisition of any bus or other rolling stock a significant portion of which is the product or manufacture of any country with which the United States had a trade deficit in the fiscal year preceding the date of approval of such project unless the Secretary of Transportation determines that a comparable bus or rolling stock (1) is not available in the United States, or (2) if available in the United States, the cost of such comparable bus or rolling stock is at least 10 per centum more than the cost of the bus or rolling stock a significant portion of which is the product or manufacture of such foreign country.

(d) For purposes of this section, in calculating components' costs in order to meet the 'substantially all' requirement, labor costs involved in final assembly should not be included in the calculation.

(e) The Secretary of Transportation shall not impose any limitation or condition on assistance provided under this Act, the Urban Mass Transportation Act of 1964, or title 23, United States Code, which restricts any State from imposing more stringent requirements than this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with such assistance or restricts any recipient of such assistance from complying with such State imposed requirements, provided that these State requirements do not conflict with the exceptions specified in subsection (b).

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TITLE 23.—UNITED STATES CODE

HIGHWAYS

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2.	Other Highways	201
3.	General Provisions	301
4.	Highway Safety	401

Chapter 1.—FEDERAL-AID HIGHWAYS

Sec.

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§ 101. Definitions and declaration of policy.

(a) As used in this title, unless the context requires otherwise—

The term "apportionment" in accordance with section 104 of this title includes unexpended apportionments made under prior acts.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or

reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration in the Department of Commerce), resurfacing, restoration, and rehabilitation, acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, acquisition and rehabilitation, relocation, and construction of replacement housing, and improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas. The term also includes capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses.

The term "county" includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local government unit vested with jurisdiction over local highways.

The term "forest or trail" means a road or trail wholly or partly within, or adjacent to, and serving the National Forest system and which is necessary for the protection, administration, and utilization of the National Forest system and the use and development of its resources.

The term "forest development roads and trails" means a forest road or trail under the jurisdiction of the Forest Service.

The term "forest highway" means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel.

The term "highway" includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

The term "Federal-aid highways" means highways located on one of the Federal-aid systems described in section 103 of this title.

The term "highway safety improvement project" means a project which corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement marking, or installs traffic control or warning devices at high accident potential locations.

The term "Indian reservation roads and bridges" means roads and bridges, including roads and bridges on the Federal-aid systems, that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the

Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

[The term "park roads and trails" means those roads or trails, including the necessary bridges, located in national parks or monuments, now or hereafter establishd, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by Acts of Congress) and also including approach roads to national parks or monuments authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended.]

The term "park road" means a public road that is located within or provides access to an area in the National Park System.

The term "parkway" as used in chapter 2 of this title, means a parkway authorized by an Act of Congress on lands to which title is vested in the United States.

The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed.

The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of subsection (a) of section 110 of this title.

The term "public lands development roads and trails" means those roads or trails which the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under his control.

The term "public lands highways" means those main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, which are on the Federal-aid systems.

The term "public road" means any road or street under the jurisdiction of and maintained by public authority and open to public travel.

The term "rural areas" means all areas of a State not included in urban areas.

The term "Secretary" means Secretary of Transportation.

The term "urbanized area" means an area so designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.

The term "State" means any one of the fifty States, the District of Columbia, or Puerto Rico.

The term "State funds" includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

The term "Federal-aid system" means any one of the Federal-aid highway system described in section 103 of this title.

The term "Federal-aid primary system" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

The term "Federal-aid secondary system" means the Federal-aid highway systems described in subsection (c) of section 103 of this title.

The term "Federal-aid urban system" means the Federal-aid highway systems described in subsection (d) of section 103 of this title.

The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (e) of section 103 of this title.

The term "urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire.

(b) It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, for the national and civil defense.

* * * * * * *

§103. Federal-aid systems.

(a) For the purposes of this title, the four Federal-aid systems, the primary system, the urban system, the secondary system, and the Interstate System, are established and continued pursuant to the provisions of this section.

(b)(1) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as provided by subsection (f) of this section. This system shall not exceed 7 per centum of the total highway mileage of such State, exclusive of mileage within national forests, Indian, or other Federal reservations and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid pri-

mary system by additional mileage equal to not more than 1 per centum of the total mileage of said State as shown by the records of November 9, 1921. Thereafter, it may make like 1 per centum increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 per centum of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage limitations in this paragraph shall not apply to the District of Columbia, Hawaii, Alaska, or Puerto Rico.

(2) After June 30, 1976, the Federal-aid primary system shall consist of an adequate system of connected main roads important to interstate, statewide, and regional travel, consisting of rural arterial routes and their extensions into or through urban areas. The Federal-aid primary system shall be designated by each State acting through its State highway department and where appropriate, shall be in accordance with the planning process pursuant to section 134 of this title, subject to the approval of the Secretary as provided by subsection (f) of this section.

(c)(1) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (f) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, access roads to airports, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary system or the Interstate system. This system may be located both in rural and urban areas, but any extension of the system into urban areas shall be subject to the condition that such extension pass through the urban area or connect with another Federal-aid system within the urban area.

(2) After June 30, 1976, with Federal-aid secondary system shall consist of rural major collector routes. The Federal-aid secondary system shall be designated by eah State through its State highway department and appropriate local officials in cooperation with each other, subject to the approval of the Secretary as provided in subsection (f) of this section.

(d)(1) The Federal-aid urban system shall be established in each urbanized area, and in such other urban areas as the State highway department may designate. The system shall be so located as to serve the major centers of activity, and shall include high traffic volume arterial and collector routes, including high traffic volume arterial and collector routes, including access roads to airports and other transportation terminals. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system to the extent feasible shall connect with another route on a Federal-aid system. Routes on the Federal-aid urban system shall be selected by the apporpirate local officials so as to serve the goals and objectives of the community, with the concurrence of the State highway departments, and, in urbanized areas, also in accordance with the planning process under section 134 of this title. Designation of the Federal-aid urban system shall be subject to the approval of the Secretary as provided in subsec-

tion (f) of this section. The provisions of chapters 1, 3, and 5 of this title that are applicable for Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be inconsistent with this subsection.

(2) After June 30, 1976, the Federal-aid urban system shall be located in each urbanized area and such other urban areas as the State highway departments may designate and shall consist of arterial routes and collector routes, exclusive of urban extensions of the Federal-aid primary system. The routes on the Federal-aid urban system shall be designated by appropriate local officials, with the concurrence of the State highway departments, subject to the approval of the Secretay as provided in subsection (f) of this section, and in the case of urbanized areas shall also be in accordance with the planning process required pursuant to the provisions of section 134 of this title.

(e)(1) The Interstate System shall be designated within the United States, including the District of Columbia, and, except as provided in paragraphs (2) and (3) of this subsection it shall not exceed forty-one thousand miles in total extent. It shall be so located as to connect by rotues, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to the greatest extent possible, to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system, to the greatest extent possible, shall be selected by joint action of the State highway departments of its State and the adjoining States, subject to the approval by the Secretary as provided in subsection (f) of this section. All highways or routes included in the Interstate System as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in subsection (b) of this section. This section may be located both in rural and urban areas.

(2) In addition to the mileage authorized by the first sentence of paragraph (1) of this subsection, there is hereby authorized additional mileage for the Interstate System of five hundred miles, to be used in making modifications or revisions in the Interstate System as provided in this paragraph. Upon the request of a State highway department the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within that State selected and approved in accordance with this title, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System (including urban routes necessary for metropolitan transportation) and will not be constructed as a part of the Interstate System, and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. After the Secretary has withdrawn his approval of any such route or portion thereof the mileage of such route or portion thereof and the additional mileage authorized by the first sentence of this paragraph shall be available for the designation of interstate routes or portions thereof as provided in this subsection. The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph. The Secretary shall not designate any Interstate route

or portion thereof under authority of this paragraph after the date of enactment of the Federal Aid Highway Act of 1978.

(3) In addition to the mileage authorized by paragraphs (1) and (2) of this subsection, there is hereby authorized additional mileage of not to exceed 1,500 miles for the designation of routes in the same manner as set forth in paragraph (1), in order to improve the efficiency and service of the Interstate System to better accomplish the purposes of that System.

(4) Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System which is within an urbanized area or which passes through and connects urbanized areas within a State and which was selected and approved in accordance with this title, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by the route or portion thereof. When the Secretary withdraws his approval under this paragraph, a sum equal to the Federal share of the cost to complete the withdrawn route or portion thereof, as that cost is included in the latest Interstate System cost estimate approved by Congress, *or up to and including the 1983 Interstate Cost Estimate, whichever is earlier,* subject to increase or decrease, as determined by the Secretary based on changes in construction costs of the withdrawn route or portion thereof as of [the date of enactment of the Federal-Aid Highway Act of 1976 or] the date of approval of each substitute project under this paragraph, *or the date of approval of the 1983 Interstate Cost Estimate, whichever is earlier,* [whichever is later, and in accordance with the design of the route or portion thereof that is the basis of the latest cost estimate] shall be available to the Secretary to incur obligations for the Federal share of either public mass transit projects involving the construction of fixed rail facilities or the purchase of passenger equipment including rolling stock, for any mode of mass transit, or both, or projects authorized under any highway assistance program under section 103 of this title: or both, which will serve the urbanized area and the connecting nonurbanized area corridor from which the Interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the urbanized area or area to be served, and which are submitted by the Governor of the State in which the withdrawn route was located. Substitute projects under this paragraph may not be approved by the Secretary under this paragraph after September 30, 1983, and the Secretary shall not approve any withdrawal of a route under this paragraph after such date, except that this sentence shall not apply to any route which on the date of enactment of the Federal-Aid Highway Act of 1978 is under judicial injunction prohibiting its construction, *and except that with respect to any route which on May 12, 1982, is under judicial injunction prohibiting its construction the Secretary may approve substitute projects and withdrawals on such route for a reasonable period of time after September 30, 1983.* Approval by the Secretary of the plans, specifications, and estimates for a substitute project shall be deemed to be a contractural obligation of the Federal Government. The Federal

share of each substitute project shall not exceed 85 per centum of the cost thereof. [The sums available for obligation shall remain available until obligated.] *The sums apportioned under this paragraph for public mass transit projects shall remain available for the fiscal year for which apportioned. The sums available for obligation under this paragraph for projects under any highway assistance program shall remain available for the fiscal year for which apportioned. Any sums which are unobligated at the end of such fiscal year shall be apportioned among those States which have obligated all sums apportioned to them for such fiscal year, in accordance with the latest approved estimate of the cost of completing the appropriate substitute projects in such States.* The sums obligated for mass transit projects shall become part of, and be administered through, the Urban Mass Transportation Fund. [There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph such sums as may be necessary out of the general fund of the Treasury.] *Sums obligated for projects under highway assistance programs shall be paid out of the Highway Trust Fund, and $775,000,000 shall be available for expenditure during each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986. Twenty-five percent of the funds available from the Highway Trust fund for a fiscal year for substitute highway projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining seventy-five percent of such funds shall be apportioned in accordance with cost estimates approved by Congress. The Secretary shall make an estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of enactment of this sentence. Upon approval of such cost estimate by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for the fiscal years ending September 30, 1983, and September 30, 1984. The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for the fiscal years ending September 30, 1985, and September 30, 1986. There are authorized to be appropriated for liquidation of obligations incurred under this paragraph for public mass transit projects such sums as may be necessary from the general fund of the Treasury. Twenty-five percent of the funds appropriated for a fiscal year for carrying out substitute transit projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining seventy-five percent of such funds shall be apportioned in accordance with cost estimates approved by Congress. The Secretary shall make an estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of enactment of this sentence. Upon approval of such cost estimate by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit*

projects for the fiscal years ending September 30, 1983, and September 30, 1984. The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for the fiscal years ending September 30, 1985, and September 30, 1986. Unobligated apportionments for the Interstate System in any State where a withdrawal is approved under this paragraph shall, on the date of such approval, be reduced in the proportion that the Federal share of the cost of the withdrawn route or portion thereof bears to the Federal share of the total cost of all Interstate routes in that State as reflected in the latest cost estimate approved by the Congress. In any State where the withdrawal of an Interstate route or portion thereof has been approved under section 103(e)(4) of this title prior to the date of enactment of the Federal-Aid Highway Act of 1976, the unobligated apportionments for the Interstate System in that State on the date of enactment of the Federal-Aid Highway Act of 1976 shall be reduced in the proportion that the Federal share of the cost to complete such route or portion thereof, as shown on the latest cost estimate approved by Congress prior to such approval of withdrawal, bears to the Federal share of the cost of all Interstate routes in that State, as shown on such cost estimate, except that the amount of such proportional reduction shall be credited with the amount of any reduction in such State's Interstate apportionment which was attributable to the Federal share of any substitute project approved under this paragraph prior to enactment of such Federal-Aid Highway Act. Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended. The provisions of this paragraph as amended by the Federal-Aid Highway Act of 1976, shall be effective as of August 13, 1973. The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out this paragraph. After the date of enactment of this sentence, the Secretary may not designate any mileage as part of the Interstate System pursuant to this paragraph or under any other provision of law. The preceding sentence shall not apply to a designation made under section 139 of this title. After September 30, 1979, the Secretary shall not withdraw his approval under this paragraph of any route or portion thereof on the Interstate System open to traffic before the date of the proposed withdrawal. Any withdrawal of approval of any such route or portion thereof before September 30, 1979, is hereby determined to be authorized by this paragraph. *Any route or segment thereof which was statutorily designated after March 7, 1978, to be on the Interstate System shall not be eligible for withdrawal or substitution under this subsection.*

(5) Notwithstanding any other provision of law, in the case of any withdrawal of approval before November 6, 1978—

(A) upon the withdrawal of approval of any route or portion thereof on the Interstate System under this section, a State,

subject to the approval of the Secretary, shall not be required to refund to the Highway Trust Fund any sums paid to the State for intangible costs;

(B) refund will not be required for the costs of construction items, materials, or rights-of-way of the withdrawn route or portion of the Interstate System which will be or have been applied (i) to a transportation project permissible under this title, (ii) to a public conservation or public recreation purpose, or (iii) to such other public purpose as may be determined by the Secretary to be in the public interest on condition that the State shall make assurances satisfactory to the Secretary that such construction items or materials or rights-of-way have been or will be so applied by the State of any political subdivision thereof to a project under clause (i), (ii), of (iii) within 10 years from the date of the withdrawal of approval; and

(6) Notwithstanding any other provision of law—

(A) in the case of any withdrawal of approval on or after November 6, 1978, of a route or portion thereof on the Interstate System, a State, subject to the approval of the Secretary, shall not be required to refund to the Highway Trust Fund any sums paid to the State for intangible costs;

(B) in the case of any withdrawal of approval on or after November 6, 1978, of any route or portion thereof on the Interstate System under this section, a State shall not be required to refund to the Highway Trust Fund the costs of construction items, materials, or rights-of-way of the withdrawn route or portion thereof if such items, materials, and rights-of-way were acquired before November 6, 1978, if by the date of withdrawal of approval the Secretary has not approved the environmental impact statement required by the National Environmental Policy Act of 1969, and if such construction items, materials, or rights-of-way will be or have been applied (i) to a transportation project permissible under this title, (ii) to a public conservation or public recreation purpose, or (iii) to any other public purpose determined by the Secretary to be in the public interest on condition that the State gives assurances satisfactory to the Secretary that such construction items, materials, or rights-of-way have been or will be so applied by the State, or any political subdivision thereof, to a project under clause (i), (ii), or (iii) within ten years from the date of withdrawal of approval;

(7) In any case where a withdrawal of approval of a route or portion thereof on the Interstate System on or after November 6, 1978, does not come within the provisions of paragraph (6)(B) of this subsection, the State shall refund to the Highway Trust Fund the costs of construction items, materials, and rights-of-way of the withdrawn route or portion thereof, except if the State gives assurances satisfactory of the Secretary that such items, materials, and rights-of-way have been or will be applied to a transportation project permissible under this title within ten years from the date of withdrawal of approval, the amount of such repayment shall be the difference between the amount received for such items, materials, and rights-of-way and the amount which would be received in accordance with the current Federal share applicable to the transporta-

tion project to which such items, materials, and rights-of-way were or are to be applied; and

(8) Nothing in this subsection shall in any way alter rights under State law of persons owning property within the right-of-way immediately prior to such property being obtained by the State. The Federal share of the cost of property sold or otherwise transferred to previous owners under State law shall be refunded and credited to the unobligated balance of the State's apportionment for interstate highways.

(9) Interstate mileage authorized for any State and withdrawn and transferred under the provisions of paragraph (2) of this subsection after the date of enacement of the Federal-Aid Highway Act of 1976, must be constructed by the State receiving such mileage as part of its Interstate System. Any State receiving such transfer of milage may not, with respect to that transfer, avail itself of the optional use of Interstate funds under the second sentence of paragraph (4) of this subsection.

(f) The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, the Federal-aid urban system, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.

(g) The Secretary, on July 1, 1974, shall remove from designation as a part of the Interstate System each segment of such system for which a State has not notified the Secretary that such State intends to construct such segment, and which the Secretary finds is not essential to completion of a unified and connected Interstate System. Any segment of the Interstate System, with respect to which a State has not submitted by July 1, 1975, a schedule for the expenditure of funds for completion of construction of such segment or alternative segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met, shall be removed from designation as a part of the Interstate System. No segment of the Interstate System removed under the authority of the preceding sentence shall thereafter be designated as a part of the Interstate System except as the Secretary finds necessary in the interest of national defense or for other reasons of national interest. This subsection shall not be applicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968.

(h) Notwithstanding subsections (e)(2) and (g) of this section, in any case where a segment of the Interstate System was a designated part of such System on June 1, 1973, and is entirely within the boundaries of an incorporated city and such city enters into an agreement with the Secretary to pay all non-Federal costs of construction of such segment, such segment shall be constructed.

§ 104. Apportionment.

(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems,

the Secretary shall deduct a sum, in such amount not to exceed 3¾ per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid systems and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

(b) On October 1 of each fiscal year except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner:

[(1) For the Federal-aid primary system (including extensions in urban areas and priority primary routes)—

[Two-thirds according to the following formula: one-third in the ratio which the area of each State bears to the total area of all the States, one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census, and one-third in the ratio which the mileage of rural delivery routes and intercity mail routes where service is performed by motor vehicles in each State bear to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary; and one-third as follows: in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census. No State (other than the District of Columbia) shall receive less than one-half of 1 per centum of each year's apportionment.]

(1) For the Federal-aid primary system (including extensions in urban areas and priority primary routes):

One-half in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census and one-half in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census.

(2) For the Federal-aid secondary system:

One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, certified as above provided, in each State bears to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles in all the States. No State

(other than the District of Columbia) shall receive less than one-half of 1 per centum of each year's apportionment.

(3) [Repealed P.L. 94-280].

(4) For the Interstate System, for the fiscal years ending June 30, 1957, June 30, 1958, and June 30, 1959:

One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no States shall receive less than three-fourths of 1 per centum of the funds so apportioned; and one-half in the manner provided in paragraph (1) of this subsection. The sums authorized by section 108(b) of the Federal-Aid Highway Act of 1956 for the fiscal years ending June 30, 1958 and June 30, 1959, shall be apportioned on a date not less than six months and not more then twelve months in advance of the beginning of the fiscal year for which authorized.

(5)(A) Except as provided in subparagraph (B)—For the Interstate System for the fiscal years 1960 through 1990:

For the fiscal years 1960 through 1966, in the ratio which the estimated cost of completing the Interstate System in such State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. For the fiscal year 1967 through 1990, in the ratio which the Federal share of the estimated cost of completing the Interstate System in such State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of the Federal share of completing the Interstate System in all the States. Each apportionment herein authorized for the fiscal years 1960 through 1990, inclusive, shall be made on October 1 of the year preceding the fiscal year for which authorized.

As soon as the standards provided for in subsection (b) of section 109 of this title have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all the States. The Secretary shall transmit such estimates to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1961. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all

previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1965. Upon the approval of such estimate by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1967; June 30, 1968; and June 30, 1969. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1968. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1970, and June 30, 1971. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives on April 20, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, and June 30, 1973. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1972. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1975. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making the apportionment for the fiscal year ending September 30, 1977. The Secretary shall make the apportionment for the fiscal year ending September 30, 1978, in accordance with section 103 of the Federal-Aid Highway Act of 1976. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1977. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1979, and September 30, 1980. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Rep-

resentatives within ten days subsequent to January 2, 1979. Upon the approval by Congress, the Seretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1981, and September 30, 1982. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1981. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1983, and September 30, 1984. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1983. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1985, and September 30, 1986. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1985. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1987, and September 30, 1988. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1987. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1989, and September 30, 1990. Whenever the Secretary, pursuant to this subsection, requests and receive estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives. The Secretary shall not include in any estimate submitted under this provision after December 31, 1978, any cost of a project to expand or clear zones immediatley adjacent to the paved roadway of routes designed prior to February, 1967. Notwithstanding any other provisions of this subparagraph, the Secretary in making the revised estimate of the cost of completing the then designated Interstate System for the purpose of transmitting it to the Senate and House of Representatives within ten days subsequent to January 2, 1983, or thereafter, shall include only those costs eligible for funds authorized by subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, including the amendments made by section 4 of the Federal-Aid Highway Act of 1981.

(B) For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System:

[55 per centum] *(i) For the fiscal year ending on September 30, 1983, 55 per centum* in the ratio that lane miles on the Interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such lane miles in all States; and 45 per centum in the ratio that vehicle miles traveled on lanes on the Interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such vehicle miles in all States. Notwithstanding the preceding sentence, no State excluding any State that has no interstate lane miles shall receive less than one-half of 1 per centum of the total apportionment made by this subparagraph for any fiscal year.

(ii) For fiscal years beginning on or after October 1, 1983, one-third in the ratio that vehicle miles traveled on lanes on the Interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such vehicle miles in all States; one-third in the ratio that gasoline used by motor vehicles on highways in such State bears to the total of gasoline used by motor vehicles on highways in all States; and one-third in the ratio that diesel fuel used by motor vehicles on highways in such State bears to the total of diesel fuel used by motor vehicles on highways in all States.

The Secretary shall establish such rules and regulations as may be necessary to carry out this provision.

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§ 105. Programs.

(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.

(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require that such projects be selected by the State highway department and the appropriate local officials in cooperation with each other, except in States where all public roads and highways are under the control and supervision of the State highway department such selection shall be made after consultation with appropriate local officials.

(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the appropriate local officials with the concurrence of the State highway department of each State and, in urbanized areas, also in accordance with the planning process required pursuant to section 134 of this title.

(e) In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense, or other official authority by the President to make such recommendation.

(f) In approving programs for projects on the Federal-aid systems pursuant to chapter 1 of this title, the Secretary shall give priority to those projects which incorporate improved standards and features with safety benefits.

(g) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments shall give consideration to projects providing direct and convenient public access to public airports, public ports for water transportation, new town communities, and new town-intown communities, and in approving such programs the Secretary shall give consideration to such projects.

(h) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments may give priority to projects for the reconstruction, resurfacing, restoration, or rehabilitation of highways which are incurring a substantial use as a result of transportation activities to meet national energy requirements and which will continue to incur such use, and in approving such programs the Secretary may give priority to such projects.

§ 106. Plans, specifications, and estimates.

(a) Except as provided in section 117 of this title, the State highway department shall submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on (1) the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, and (2) the Federal-aid urban system, shall be determined by the State highway department and the appropriate local road officials in cooperation with each other.

(c) Items included in any such estimate for construction engineering shall not exceed 10 per centum of the total estimated cost of a project financed with Federal-aid highway funds, after excluding from such total estimate cost, the estimated costs of rights-of-way, preliminary engineering, and construction engineering. However, this limitation shall be 15 per centum in any State with respect to which the Secretary finds such higher limitation to be necessary.

[(d) In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid system shall be accompanied by a value engineering or other costs reduction analysis.]

(d) Plans, specifications, and estimates for proposed projects on any Federal-aid system shall be accompanied by a value engineering or other cost reduction analysis on all projects with construction costs of $2,000,000 or above. The Secretary shall establish such rules and regulations as may be necessary to carry out this provision.

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§ 109. Standards

(a) * * *

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(o) The construction standards adopted for the Federal-aid primary system, Federal-aid secondary system, or Federal-aid urban system under this section shall apply to any project for resurfacing, restoring, or rehabilitating any highway, other than a highway access to which is fully controlled, on such system in which Federal funds participate, unless the Secretary otherwise provides by waiver.

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§ 111. Agreements relating to use of and access to rights-of-way—Interstate System.

(a) All agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such agreements may, however, authorize a State or political subdivision thereof to use or permit the use of the airspace above and below the established grade line of the highway pavement for such purposes as will not impair the full use and safety of the highway, as will not require or permit vehicular access to such space directly from such established grade line of the highway, or otherwise interfere in any way with the free flow of traffic on the Interstate System. Nothing in this section, or in any agreement entered into under this section, shall require the discontinuance, obstruction, or removal of any establishment for serving motor vehicle users on any highway which has been, or is hereafter, designated as a highway or route on the

Interstate System (1) if such establishment (A) was in existence before January 1, 1960, (B) is owned by a State, and (C) is operated through concessionaires or otherwise, and (2) if all access to, and exits from, such establishment conform to the standards established for such a highway under this title.

(b) Notwithstanding subsection (a) of this section, any State may permit the placement of vending machines in rest and recreation areas and in safety rest areas constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the Randolph-Sheppard Act (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines under this section shall not be eligible for Federal assistance under this title.

§ 112. Letting of contracts.

(a) In all cases where the construction is to be performed by the State highway department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

(b) Construction of each project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, [unless the Secretary shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest] *unless the State highway department demonstrates, to the satisfaction of the Secretary, that some other method is more cost effective.* Contracts for the construction of each project shall be awarded only on the basis of the lowest responsive bid submitted by a bidder meeting established criteria of responsibility. No requirement or obligation shall be imposed as a condition precedent to the award of a contract to such bidder for a project, or to the Secretary's concurrence in the award of a contract to such bidder, unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications.

(c) The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(d) No contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, shall be entered into by any State highway department or local subdivision of the State without compliance with the provi-

sions of this section, and without the prior concurrence of the Secretary in the award thereof.

[(e) The provisions of this section shall not be applicable to contracts for projects on the Federal-aid secondary system in those States where the Secretary has discharged his responsibility pursuant to section 117 of this title.]

§ 115. Construction by States in advance of apportionment.

(a) When a State has obligated all funds for any of the Federal-aid systems, other than the Interstate System, apportioned to it under section 104 of this title, and proceeds to construct any project without the aid of Federal funds, including one or more parts of any project, on any of the Federal-aid systems in such State, other the Interstate System, as any of those systems may be designated at that time, in accordance with all procedures and all requirements applicable to projects on any such system, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under section 104 of this title if—

(1) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects on the Federal-aid system involved, and

(2) the project conforms to the applicable standards adopted under section 109 of this title;

The Secretary may not approve an application under this section unless an authorization is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such State and that no application may be approved which will exceed the State's expected apportionment of such authorizations.

(b)(1) When a State proceeds to construct any project on the Interstate System without the aid of Federal funds, as that System may be designated at that time, in accordance with all procedures and all requirements applicable to projects on such System, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the cost of construction of such project when additional funds are apportioned to such State under section 104 of this title if—

(A) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects on the Interstate System, and

(B) the project conforms to the applicable standards under section 109 of this title.

(2) For any project under construction on January 1, [1978] *1983,* on the Interstate System and converted to a regularly funded project after January 1, [1978] *1983,* for which the proceeds of bonds issued by the State, county, city, or other political subdivi-

sion of the State were used, any interest earned and payable on such bonds by the date of conversion is an eligible cost of construction, to the extent that the proceeds of such bonds have actually been expended in the construction of such projects.

(3) Subject to the provisions of this paragraph, the cost of construction of a project, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the State to the extent that the proceeds of such bonds have actually been expended in the construction of such project. In no event shall the amount of interest considered as a cost of construction of a project under the preceding sentence be greater than the excess of (A) the amount which would be the estimated cost of construction of the project if the project were to be constructed at the time the project is converted to a regularly funded project, over (B) the actual cost of construction of such project (not including such interest). The Secretary shall consider changes in construction cost indices in determining the amount under clause (A) of this paragraph.

(c) In determining the apportionment for any fiscal year under the provisions of section 104 of this title, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this section with respect to such project has been approved by the Secretary.

(d) When a State proceeds to construct without the aid of Federal funds any substitute highway project approved under section 103(e)(4) of this title, in accordance with all procedures and requirements applicable to such projects, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the cost of construction of such project when additional funds are apportioned to such State under section 103(e)(4) of this title if—

(1) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects approved under section 103(e)(4) of this title, and

(2) the project conforms to the applicable standards under section 109 of this title.

The Secretary may not approve an application under this section unless an authorization is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such State. No application may be approved which will exceed the State's expected apportionment of such authorizations.

(e) When a State has obligated all funds apportioned to it under section 144 of this title, and proceeds to construct any project without the aid of Federal funds for the replacement or rehabilitation of a bridge in accordance with all procedures and all requirements applicable to projects under such section, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the

costs of construction of such project when additional funds are apportioned to such State under section 144 of this title if—

(1) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects under such section; and

(2) the project conforms to the applicable standards adopted under section 109 of this title.

The Secretary may not approve an application under this section unless an authorization is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such State and no application may be approved which will exceed the State's expected apportionment of such authorizations.

§ 116. Maintenance.

(a) It shall be the duty of the State highway department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts. The State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.

(b) In any State wherein the State highway department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

(c) If at any time the Secretary shall find that any project constructed under the provisions of this chapter, or constructed under the provisions of prior Acts, is not being properly maintained, he shall call such fact to the attention of the State highway department. [If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the entire State until such project shall have been put in proper condition of maintenance, unless such project is subject to an agreement pursuant to subsection (b) of this section, in which case approval shall be withheld only for secondary or urban projects in the county or municipality where such project is located.] *If, within 90 days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the State highway district, municipality, county, other politcal or administrative subdivision of the State, or the entire State in which such project is located, whichever the Secretary deems most appropriate, until such project shall have been put in proper condition of maintenance.*

(d) The Secretary in consultation with the State highway departments and interested and knowledgeable private organizations and individuals shall as soon as possible establish national bridge inspection standards in order to provide for the proper safety inspection of bridges. Such standards shall specify in detail the method by which inspections shall be conducted by the State highway departments, the maximum time lapse between inspections and the qualifications for those charged with the responsibility for carrying out such inspections. Each State shall be required to maintain writ-

ten reports to be available to the Secretary pursuant to such inspections together with a notation of the action taken pursuant to the findings of such inspections. Each State shall be required to maintain a current inventory of all bridges.

(e) The Secretary shall establish, in cooperation with the State highway departments, a program designed to train appropriate employees of the Federal Government and the State governments to carry out bridge inspections. Such a program shall be revised from time to time in light of new or improved techniques. For the purpose of this section the Secretary may use funds made available pursuant to the provisions of section 104(a) and section 307(a) of this title.

* * * * * * *

§ 118. Availability of sums apportioned.

(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this title, or under prior Acts, such sums shall be available for expenditure under the provisions of this title.

[(b) Sums apportioned to each Federal-aid system (other than the Interstate System) shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof (other than the Interstate System) for a period of three years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse. Except as provided in this subsection, sums apportioned for the Interstate System in any State shall remain available for expenditure in that State for the Interstate System until the end of the fiscal year for which authorized. Sums not obligated within the time prescribed by the preceding sentence must be made available by the Secretary to any other State applying for such funds for the Interstate System, if the Secretary determines that the State has obligated all of its apportionments other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project on the Interstate System which has been submitted by such State to the Secretary for approval, and the applicant is willing and able to (1) obligate the funds within one year of the date the funds are made available; (2) apply them to a ready-to-commence project; and (3) in the case of construction work, begin work within ninety days of obligation. Sums made available under this subsection shall remain available until expended. Any amount apportioned to the States for the Interstate System under subsection (b)(5)(B) of section 104 of this title shall continue to be available for expenditure in that State for a period of two years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse. Sums apportioned to a Federal-aid system for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is obligated. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to

the same class of funds, primary, secondary, urban, or interstate, previously apportioned to the State and be immediately available for expenditure.]

(b)(1) Sums apportioned to each Federal-aid system (other than the Interstate System) shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof (other than the Interstate System) for a period of three years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse.

(2) Except as otherwise provided in this subsection, sums apportioned for the Interstate System in any State shall remain available for expenditure in that State for the Interstate System until the end of the fiscal year for which authorized. Sums not obligated within the time period prescribed by the precediing sentence shall be made available by the Secretary for projects on the Interstate System (other than projects for which sums are apportioned under section 104(b)(5)(B)) in accordance with the following priorities: First, for high cost projects which directly contribute to the completion of an Interstate segment which is not open to traffic; and second, for projects of high cost in relation to a State's apportionment. Sums may only be made available under this paragraph in any State if the Secretary determines that the State has obligated all of its apportionments other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project on the Interstate System which has been submitted by such State to the Secretary for approval, and the applicant is willing and able to (A) apply the funds to a ready-to-commence project; and (B) in the case of construction work, begin work within ninety days of obligation. Sums made available under this paragraph shall remain available until expended.

(3) Any amount apportioned to the States for the Interstate System under subsection (b)(5)(B) of section 104 of this title shall continue to be available for expenditure in that State for a period of two years after the close of the fiscal year for which such sums are authorized. Sums not obligated within the time period prescribed by the preceding sentence shall be made available by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System to any other State applying for such funds, if the Secretary determines that the State has obligated all of its apportionments under such subsection other than an amount which, by itself, is insufficient to pay the Federal share of the cost of such a project which has been submitted by such State to the Secretary for approval, and the applicant is willing and able to (A) obligate the funds within one year of the date the funds are made available; (B) apply them to a ready-to-commence project; and (C) in the case of construction work, begin work within ninety days of obligation. Sums made available under this paragraph shall remain available until expended.

(4) Sums apportioned to a Federal-aid system for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is obligated. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the

formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, previously apportioned to the State and be immediately available for expenditure.

(c) Before any apportionment is made under section 104(b)(5)(A) of this title for a fiscal year beginning after September 30, 1983, the Secretary shall set aside $300,000,000. Such amount shall be available only for obligation by the Secretary in accordance with subsection (b)(2) of this section.

(d) In addition to amounts otherwise available to carry out this section, an amount equal to the amount by which the unobligated apportionment for the Interstate System in any State is reduced under section 103(e)(4) of this title on account of the withdrawal of a route or portion thereof on the Interstate System, which withdrawal is approved after the date of enactment of this subsection, shall be available to the Secretary for obligation in accordance with subsection (b)(2) of this section.

[(c)] *(e)* The total payments to any State shall not at any time during a current fiscal year exceed the total of all apportionments to such State in accordance with section 104 of this title for such fiscal year and all preceding fiscal years.

[(d)] *(f)* Funds made available to the State of Alaska under this title may be expended for construction of access and development roads on a Federal-aid system that will serve resource development, recreational, residential commercial, industrial, or other like purposes.

§ 119. Interstate System resurfacing.

(a) Beginning with funds apportioned for fiscal year 1980, the Secretary may approve projects for resurfacing, restoring, rehabilitating, and reconstructing routes of the Interstate System designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978). Sums authorized to be appropriated for this section shall be out of the Highway Trust Fund and shall be apportioned in accordance with section 104(b)(5)(B) of this title and the Federal share shall be set forth in section 120(a) of this title. Effective on and after the date of enactment of this sentence, the Federal share for projects financed by funds apportioned under section 104(b)(5)(B) of title 23, United States Code, for resurfacing, restoring, rehabilitating, and reconstructing routes of the Interstate System designated under sections 103 and 139(c) of this title shall be that set forth in section 120(c) of this title.

(b) Not later than one year after the date of issuance of initial guidelines under section 109(m) of this title each State shall have a program for the Interstate system in accordance with such guidelines. Each State shall certify on January 1st of each year that it has such a program and the Interstate system is maintained in accordance with the program. If a State fails to certify as required or if the Secretary determines a State is not adequately maintaining the Interstate system in accordance with such program then the next apportionment of funds to such State for the Interstate system shall be reduced by amounts equal to 10 per centum of the amount which would otherwise be apportioned to such State under

section 104 of this title. If, within one year from the date the apportionment for a State is reduced under this subsection, the Secretary determines that such State is maintaining the Interstate system in accordance with the guidelines the apportionment of such State shall be increased by an amount equal to the reduction. If the Secretary does not make such a determination within such one year period the amount so withheld shall be reapportioned to all other eligible States.

[(b)] *(c)* Reconstructing as authorized in subsection (a) of this section may include, but is not limited to, the addition of travel lanes and the construction and reconstruction of interchanges and overcrossings along existing completed interstate routes, including the acquisition of right-of-way where necessary.

(d) Upon application by a State and approval by the Secretary, the Secretary may authorize the transfer of so much of the amount apportioned to such State for any fiscal year under paragraph (5)(A) of subsection (a) of section 104 of this title, as does not exceed the Federal share of the cost of segments of the Interstate System open to traffic in such State (other than high occupancy vehicle lanes), in the most recent cost estimate, to the apportionment under paragraph (5)(B) of subsection (b) of section 104 of this title, except that not more than 50 percent of the total apportionment under such paragraph (5)(A) for a fiscal year shall be transferred under this subsection in such fiscal year. The next cost estimate submitted to Congress under paragraph (5)(A) of such section 104 of the cost of completing segments of the Interstate System open to traffic in that State (other than high occupancy vehicle lanes) shall be reduced for such State in an amount equal to the amount transferred under this subsection.

§ 120. Federal share payable.

(a) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system, the Federal-aid secondary system, and the Federal-aid urban system shall either (A) not exceed 75 per centum of the cost of construction, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area, or (B) not exceed 75 per centum of the cost of construction, except that in the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area, except that the Federal share payable on any project in a State shall not exceed 95 per centum of the total cost of any such project. In any case where a State elects to have the Federal share provided in clause (B) of this subsection, the State must enter into an agreement with the Secretary covering a

period of not less than one year, requiring such State to use solely for highway construction purposes (other than paying its share of projects approved under this title) during the period covered by such agreement the difference between the state's share as provided in clause (B) and what its share would be if it elected to pay the share provided in clause (A) for all projects subject to such agreement.

(b) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with interstate funds on the Interstate System, authorized to be appropriated prior to June 29, 1956, shall not exceed 60 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by as percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area. The provisions of subsection (a) of this section shall apply to any project financed with funds authorized by the provisions of section 2 of the Federal-Aid Highway Act of 1952.

(c) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project on the Interstate System provided for by funds made available under the provisions of section 108(b) of the Federal-Aid Highway Act of 1956 shall be increased to 90 per centum of the total cost thereof, plus a percentage of the remaining 10 per centum of such cost in any state containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project. *Notwithstanding subsection (a) of this section, the Federal share payable on account of any projet financed with primary funds on the Interstate System for resurfacing, restoring, rehabilitating, and reconstructing shall be the percentage provided in this subsection.*

(d) The Federal share payable on account of any project for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 130 of this title, and for any project for traffic control signalization *or for pavement marking,* may amount to 100 per centum of the cost of construction of such projects, except that not more than 75 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums apportioned in accordance with section 104 of this title. *Provided,* That not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection.

(e) The Secretary may rely on a statement from the Secretary of the Interior as to the area of the lands referred to in subsections (a) and (b) of this section. The Secretary of the Interior is authorized and directed to provide such statement annually.

(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 75 per centum of the cost thereof: *Provided*, That, in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area: *Provided further*, That the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads may amount to 100 per centum of the cost thereof, whether or not such highways, roads or trails are on any Federal-aid highway systems. The Secretary may increase the Federal share payable on account of any repair or reconstruction under this section up to 100 per centum of the replacement cost of a comparable facility if he determines it is in the public interest. As used in this section with respect to bridges and in section 144 of this title, "a comparable facility" shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life. Any project agreement for which the final voucher has not been approved by the Secretary on or before the date of this Act may be modified to provide for the Federal share authorized herein.

(g) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of Federal-aid highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 104 of this title to the State wherein the reservations and national parks and monuments are located.

(h) At the request of any State, the Secretary may from time to time enter into agreements with such State to reimburse the State for the Federal share of the costs of preliminary and construction engineering at an agreed percentage of actual construction costs for each project, in lieu of the actual engineering costs for such project. The Secretary shall annually review each such agreement to insure that such percentage reasonably represents the engineering costs actually incurred by such State.

(i) Notwithstanding any other provision of this section or of this title, the Federal share payable on account of any project under this title in the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands shall be 100 per centum of the total cost of the project.

(j) Notwithstanding any other provision of this section (other than subsection (i)), of this title, or of any other law, in any case where a State elects to use funds apportioned to it for any Federal-aid system for any project, under sections 143, 146, 148, 155, and 217 of this title, section 163 of the Federal-Aid Highway Act of 1973, as amended, and for those priority primary routes under section 147 of

this title designated in committee print numbered 97-45 of the Committee on Public Works and Transportation of the House of Representatives, the Federal share payable on account of such project shall be 95 percent of the cost thereof, unless—

(1) such project is on land owned by the United States in which case the Federal share shall be 100 percent of the cost of such project, or

(2) a Federal share of the cost of the project greater than 95 percent is specifically authorized by law.

(k) Notwithstanding any other provision of this section, the Federal share payable on account of any project under this title to reconstruct, resurface, restore, and rehabilitate any highway which the Secretary determines, at the request of any State, is incurring a substantial use as result of transportation activities to meet national energy requirements and will continue to incur such use is 85 per centum of the cost of such project.

§ 122. Payment to States for bond retirement.

[Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or Interstate System, or extensions of any of the Federal-aid highway systems in urban areas, may claim payment of any portion of the sums apportioned to it for expenditure on such system to aid in the retirement of the principal of such bonds the proceeds of which were used for projects on the Federal-aid primary system or extensions of any of the Federal-aid highway systems in urban areas and the retirement of the principal and interest of such bonds the proceeds of which were used for projects on the Interstate System at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects.] *Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or Interstate System, or extensions of any of the Federal-aid highway systems in urban areas, or for substitute highway projects approved under section 103(e)(4) of this title, may claim payment of any portion of the sums apportioned to it for expenditure on such system or on highway projects approved under section 103(e)(4) of this title to aid in the retirement of the principal of such bonds the proceeds of which were used for projects on the Federal-aid primary system or extensions of any of the Federal-aid highway systems in urban areas and the retirement of the principal and interest of such bonds the proceeds of which were used for projects on the Interstate System or for substitute highway projects approved under section 103(e)(4) of this title at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects.* Such claim for payment may be made only when all of the provisions of this title have been complied with to the same extent and with the same effect as though payment were to be made to the State under section 121 of this title, instead of this section, and the Federal share payable shall not exceed the pro rata basis of payment authorized in section 120 of this title. This section shall not be construed as a commitment or

obligation on the part of the United States to provide for the payment of the principal or interest of any such bonds. The payment of interest on such bonds and incidental costs in connection with the sale of such bonds shall not be included in the estimated cost of completing the Interstate System.

[§ 127. Vehicle weight and width limitations—Interstate System.

[No funds authorized to be appropriated for any fiscal year under section 108(b) of the Federal-Aid Highway Act of 1956 shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of twenty thousand pounds carried on any one axle, including all enforcement tolerances; or with a tandem axle weight in excess of thirty-four thousand pounds, including all enforcement tolerances; or with an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500\left(\frac{LN}{N-1} + 12N + 36\right)$$

where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles, and N = number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more: *Provided,* That such overall gross weight may not exceed eighty thousand pounds, including all enforcement tolerances, or with a width in excess of ninety-six inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974. With respect to the State of Hawaii, laws or regulations in effect on February 1, 1960, shall be applicable for the purposes of this section in lieu of those in effect on July 1, 1956. Notwithstanding any limitation relating to vehicle widths contained in this section, a State may permit any bus having a width of 102 inches or less to operate on any lane of 12 feet or more in width on the Interstate System.]

§ 127. Vehicle weight, length, and width limitations—Interstate System

(a) No funds authorized to be appropriated for any fiscal year under provisions of the Federal-Aid Highway Act of 1956 shall be

apportioned to any State which does not permit the use of the National System of Interstate and Defense Highways within its boundaries by vehicles with a weight of 20,000 pounds carried on any one axle, including enforcement tolerances, or with a tander axle weight of 34,000 pounds, including enforcement tolerances, or a gross weight of at least 80,000 pounds for vehicle combinations of five axles or more. However, the maximum gross weight to be allowed by any State for vehicles using the National System of Interstate and Defense Highways shall be 20,000 pounds carried on one axle, including enforcement tolerances, and a tandem axle weight of 34,000 pounds, including enforcement tolerances, and with an overall maximum gross weight, including enforcement tolerances, on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500\left(\frac{LN}{N-1} + 12N + 36\right)$$

where W overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L distance in feet between the extreme of any group of two or more consecutive axles, and N number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thrity-six feet or more: Provided, That such overall gross weight may not exceed eighty thousand pounds, including all enforcement tolerances, except for those vehicles and loads which cannot be easily dismantled or divided and which have been issued special permits in accordance with applicable State laws, or the corresponding maximum weights permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof which the State determines, after consultation with the Secretary, could be lawfully operated within such State on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974. With respect to the State of Hawaii, laws or regulations in effect on February 1, 1960, shall be applicable for the purposes of this section in lieu of those in effect on July 1, 1956. With respect to the State of Michigan, laws or regulations in effect on May 1, 1982, shall be applicable for the purposes of this subsection.

(b) No funds authorized to be appropriated for any fiscal year under provisions of the Federal-Aid Highway Act of 1956 shall be apportioned to any State which imposes a vehicle length limitation of less than 48 feet on the length of the semitrailer unit operating in a truck tractor-semitrailer combination, and of less than 28 feet on the length of any semitrailer or trailer operating in a truck tractor-

semitrailer-trailer combination on any segment of the National System of Interstate and Defense Highways. No funds authorized to be appropriated for any fiscal year under provisions of the Federal-Aid Highway Act of 1956 shall be apportioned to any State which imposes a vehicle width limitation of more or less than 102 inches on any segment of the National System of Interstate and Defense Highways.

(c) Length limitations established, maintained, or enforced by the States under subsection (b) of this section shall apply solely to the semitrailer or trailer and not to a truck tractor. No State shall establish, maintain or enforce any regulation which imposes an overall length limitation on motor vehicles operating in truck-tractor semitrailer or truck tractor semitrailer, trailer combinations authorized in subsection (b) of this section. No State shall establish, maintain, or enforce any regulation which has the effect of prohibiting the use of trailers or semitrailers of such dimensions as those that were in actual and lawful use in such State on the date of enactment of the Federal-Aid Highway Act of 1982. No State shall establish, maintain, or enforce any regulation of commerce which has the effect of prohibiting the use of existing trailers or semitrailers, of up to 28½ feet in length, in a truck tractor-semitrailer-trailer combination if those trailers or semitrailers were actually and lawfully operating on December 1, 1981, within a 65-foot overall length limit in any State.

(d) No State shall prohibit motor vehicle combinations consisting of a truck tractor and two trailing units on any segment of the National System of Interstate and Defense Highways.

(e) The Secretary of Transportation is authorized to establish, consistent with this title, rules to implement the provisions of this section, and to make such determinations as are necessary to accommodate specialized equipment (including, but not limited to, automobile transporters) subject to subsections (b) and (c) of this section.

(f) For purposes of this section, "truck tractor" means the noncargo carrying power unit that operates in combination with a semitrailer or trailer.

(g) The length and width limitations described in subsections (b) and (c) of this section shall be exclusive of safety and energy conservation devices, such as rear view mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and splash and spray suppressant devices, load-induced tire bulge, refrigeration units or air compressors and other devices, which the Secretary of Transportation may interpret as necessary for safe and efficent operation of commercial motor vehicles, except that no device excluded under this subsection from the limitations of subsections (b) and (c) of this section shall have by its design or use the capability to carry cargo.

(h) No State may enact or enforce any law denying reasonable access to motor vehicles subject to this title to and from the Interstate Highway System to terminals and facilities for food, fuel, repairs, and rest.

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§ 129. Toll roads, bridges, tunnels, and ferries.

(a) * * *

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(c) Funds authorized for expenditures on any of the Federal-aid highwy systems, including the Interstate System, shall be available for expenditure on projects approaching any toll road, bridge or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge or tunnel. *In the case of any connection of a highway free of tolls with a toll facility, Federal funds available for expenditure on any Federal-aid system may be expended on a project for an approach, as defined by the Secretary, to any toll road, bridge, or tunnel to that point where such approach enters the main lanes of the toll facility or the toll plaza, whichever first occurs. No Federal funds shall be expended for toll collection equipment.*

* * * * * * *

§ 131. Control of outdoor advertising.

[(a) The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

[(b) Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices which are within six hundred and sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, and Federal-aid highway funds apportioned on or after January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever, is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising sign, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States. Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary, the application of this subsection to a State.

[(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, or or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever

is later, if located beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section, be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, (3) signs, displays, and devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located, (4) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of this section, and (5) signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the Interstate System or the primary system. For the purposes of this subsection, the term "free coffee" shall include coffee for which a donation may be made, but is not required.

[(d) In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act. Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority. Nothing in this subsection shall apply to signs, displays, and devices referred to in clauses (2) and (3) of subsection (c) of this section.]

(a) The Congress hereby finds and declares that it is in the public interest to deregulate to the maximum extent practicable Federal controls over outdoor advertising signs, displays, and devices and for the States to control the erection, maintenance, and eminent domain removal of outdoor advertising signs, displays, and devices in order to protect the public investment in highways, to preserve

communications through the outdoor medium, and to promote natural beauty in scenic areas.

(b)(1) For purposes of this section, the term "outdoor advertising sign, display, or device" means an outdoor billboard or other display or device which (A) is customarily used to communicate a commercial or noncommercial message, and (B)(i) is located within six hundred and sixty feet of the nearest edge of the right-of-way of the Interstate System or the primary system and is visible from the main traveled way of such system, or (ii) outside of urban areas, is located more than six hundred and sixty feet from the nearest edge of the right-of-way, is visible from the main traveled way of such system, and is erected with the purpose of its message being read from such main traveled way.

(2) This section does not apply to—

(A) Directional and official signs and notices, conforming to national standards promulgated by the Secretary;

(B) signs, displays, and devices advertising the sale or lease of property upon which they are located;

(C) signs, displays, and devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located;

(D) signs lawfully in existence on October 22, 1965, determined by the State, to be landmark signs, including signs on farm sstructures or natural surfaces, of historic or artistic significance; and

(E) signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the Interstate System or the primary system.

For the purposes of this subsection, the term "free coffee" shall include coffee for which a donation may be made, but is not required.

(c) Each State is encouraged to make such provision as it deems proper for the effective control of the location, erection, maintenance, or removal of outdoor advertising signs, displays, and devices. In order to assure that any control efforts are effective, the control efforts taken by a State, and by a political subdivision thereof, with respect to the location, erection, maintenance, or removal of such outdoor advertising signs, displays, and devices shall include, at a minimum, the following:

(1) A requirement that outdoor advertising signs, displays, and devices may be erected only in areas which are zoned commercial or industrial under authority of State law and in such unzoned commercial and industrial areas as the State may deem appropriate;

(2) Prohibition of the erection of any outdoor advertising sign, display, or device upon a site previously occupied by an outdoor advertising sign, display, or device which has been removed by order of a State or a political subdivision thereof, and for which just compensation has been paid;

(3) The payment of just compensation through condemnation or eminent domain for any outdoor advertising sign, display, or device, lawfully erected under State law, upon the removal or upon the substantial impairment of the customary use or maintenance of such sign, display, or device by the State or any polit-

ical subdivision thereof whether or not removed pursuant to or because of this section. Such compensation shall be paid for the taking from the owner of such sign, display, or device of his interest therein, and for the taking from the owner of the real property, on which such sign, display, or device is located, of the right to erect and maintain outdoor advertising signs, display, and devices thereon; and

(4) Prohibition of the erection of any such sign, display, or device within areas which have been specifically designated by the State as scenic areas or areas of historic preservation if such prohibition is general and not applicable or intended for the control of outdoor advertising signs, displays, or devices.

(d) In order to assure that each State, in the exercise of its discretion, makes some provision for control of the location, erection, maintenance, or removal of outdoor advertising signs, displays, and devices and does not eliminate all such controls, the Governor of each State shall certify to the Secretary annually that the State has a program which provides for the reasonable and orderly control of outdoor advertising, incorporating the minimum controls set forth in subsection (c) of this section. The Secretary shall accept as such certification a statement that a State has continued to enforce the controls on outdoor advertising which were in effect in such State on January 1, 1982.

(e) Where the Secretary determines that a State has failed to establish effective control regarding the location, erection, maintenance, or removal of outdoor advertising signs, displays, or devices in accordance with subsections (c) and (d), Federal-aid highway funds apportioned to that State shall be reduced by an amount equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for effective control. Any amount withheld from apportionment to any State hereunder shall be apportioned to the other States.

(f) The Secretary may promulgate only such procedural regulations as are necessary for the enforcement of this section.

[(e) Any sign, display, or device lawfully in existence along the Interstate System or the Federal-aid primary system on September 1, 1965, which does not conform to this section shall not be required to be removed until July 1, 1970. Any other sign, display, or device lawfully erected which does not conform to this section shall not be required to be removed until the end of the fifth year after it becomes nonconforming.]

[(f)]*(g)* The Secretary shall, in consultation with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards to be promulgated by the Secretary.

[(g) Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under

State law and not permitted under subsection (c) of this section, whether or not removed pursuant to or because of this section. The Federal share of such compensation shall be 75 per centum. Such compensation shall be paid for the following:

[(A) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

[(B) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

[(h) All public lands or reservarions of the United States which are adjacent to any portion of the Interstate System and the primary system shall be controlled in accordance with the provisions of this section and the national standards promulgated by the Secretary.]

[(i)] *(h)* In order to provide information in the specific interest of the traveling public, the State highway departments are authorized to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas and other travel information systems within the rights-of-way for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable. The Federal share of the cost of establishing such an information center or travel information system shall be that which is provided in section 120 for a highway project on that Federal-aid system to be served by such center or system.

[(j)] *(i)* Any State highway department which has, under this section as in effect on June 30, 1965, entered into an agreement with the Secretary to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System shall be entitled to receive the bonus payments as set forth in the agreement, but no such State highway department shall be entitled to such payments unless the State maintains the control required under such agreement: *Provided,* That permission by a State to erect and maintain information displays which may be changed at reasonable intervals by electronic process or remote control and which provide public service information or advertise activities conducted on the property on which they are located shall not be considered a breach of such agreement or the control required thereunder. Such payments shall be paid only from appropriations made to carry out this section. The provisions of this subsection shall not be construed to exempt any State from controlling outdoor advertising as otherwise provided in this section.

[(k)] *(j)* Subject to compliance with subsection [(g)] *(c)(3)* of this section for the payment of just compensation, nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to signs, displays, and devices on the Federal-aid highway systems than those established under this section.

[(l) Not less than sixty days before making a final determination to withhold funds from a State under subsection (b) of this section,

or to do so under subsection (b) of section 136, or with respect to failing to agree as to the size, lighting, and spacing of signs, displays, and devices or as to unzoned commerical or industrial areas in which signs, displays, and devices may be erected and maintained under subsection (d) of this section, or with respect to failure to approve under subsection (g) of section 136, the Secretary shall given written notice to the State of his proposed determination and a statement of the reasons therefor, and during such period shall give the State an opportunity for a hearing on such determination. Following such hearing the Secretary shall issue a written order setting forth his final determination and shall furnish a copy of such order to the State. Within forty-five days of receipt of such order, the State may appeal such order to any United States district court for such State, and upon the filing of such appeal such order shall be stayed until final judgment has been entered on such appeal. Summons may be served at any place in the United States. The court shall have jurisdiction to affirm the determination of the Secretary or to set it aside, in whole or a part. The judgment of the court shall be subject to review by the United States court of appeals for the circuit in which the State is located and to the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254. If any part of an apportionment to a State is withheld by the Secretary under subsection (b) of this section or subsection (b) of section 136, the amount so withheld shall not be reapportioned to the other States as long as a suit brought by such State under this subsection is pending. Such amount shall remain available for apportionments in accordance with the final judgment and this subsection. Funds withheld from apportionment and subsequently apportioned or reapportioned under this section shall be available for expenditure for three full fiscal years after the date of such apportionment or reapportionment as the case may be.

[(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $2,000,000 for the fiscal year ending June 30, 1970, not to exceed $27,000,000 for the fiscal year ending June 30, 1971, not to exceed $20,500,000 for the fiscal year ending June 30, 1972, and not to exceed $50,000,000 for the fiscal ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967.

[(n) No sign, display, or device shall be required to be removed under this section if the Federal share of the just compensation to be paid upon removal of such sign, display, or device is not available to make such payment.

[(o) The Secretary may approve the request of a State to permit retention in specific areas defined by such State of directional signs, displays, and devices lawfully erected under State law in force at the time of their erection which do not conform to the requirements of subsection (c), where such signs, displays and devices are in existence on the date of enactment of this subsection and

where the State demonstrates that such signs, displays, and devices (1) provide directional information about goods and services in the interest of the traveling public, and (2) are such that removal would work a substantial economic hardship in such defined area.

[(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1974, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs).

[(q)(1) During the implementation of State laws enacted to comply with this section, the Secretary shall encourage and assist the States to develop sign controls and programs which will assure that necessary directional information about facilities providing goods and services in the interest of the traveling public will continue to be available to motorists. To this end the Secretary shall restudy and revise as appropriate existing standards for directional signs authorized under subsections 131(c)(1) and 131(f) to develop signs which are functional and esthetically compatible with their surroundings. He shall employ the resources of other Federal departments and agencies, including the National Endowment for the Arts, and employ maximum participation of private industry in the development of standards and systems of signs developed for those purposes.

[(2) Among other things the Secretary shall encourage States to adopt programs to assure that removal of signs providing necessary directional information, which also were providing directional information on June 1, 1972, about facilities in the interest of the traveling public, be deferred until all othe nonconforming signs are removed.]

(k) There is authorized to be appropriated to carry out the provisions of subsection (i) of this section such sums as may be necessary.

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§ 137. Fringe and corridor parking facilities.

(a)*(1)* The Secretary may approve as a project on the Federal-aid urban system the acquisition of land adjacent to the right-of-way outside a central business district, as defined by the Secretary, and the construction of publicly owned parking facilities thereon or within such right-of-way, including the use of the air space above and below the established grade line of the highway pavement, to serve an urban area of fifty thousand population or more. Such parking facility shall be located and designed in conjunction with existing or planned public transportation facilities. In the event fees are charged for the use of any such facility, the rate thereof shall not be in excess of that required for maintenance and operation (including compensation to any person for operating such facility).

(2) The Secretary may approve as a project on the Interstate System the acquisition of land adjacent to the right-of-way and the construction of publicly owned parking facilities thereon or within such right-of-way, including the use of the air space above and

below the established grade line of the highway pavement. Such parking facility shall be for the exclusive use of carpools and vanpools. In the event fees are charged for the use of any such facility, the rate thereof shall not be in excess of that required for maintenance and operation (including compensation to any person for operating such facility). Sums apportioned under section 104(b)(5)(B) of this title shall be available to pay the Federal share of the cost of projects authorized by this paragraph.

(b) The Secretary shall not approve any project under this section until—

(1) he has determined that the State, or the political subdivision thereof, where such project is to be located, or any agency or instrumentality of such State or political subdivision, has the authority and capability of constructing, maintaining, and operating the facility;

(2) he has entered into an agreement governing the financing, maintenance, and operation of the parking facility with such State, political subdivision, agency or instrumentality, including, *the case of any project approved under subsection (a)(1) of this section,* necessary requirements to insure that adequate public transportation services will be available to persons using such facility; and

(3) he has approved design standards for constructing such facility developed in cooperation with the State highway department.

(c) The Term "parking facilities" for purposes of this section shall include access roads, buildings, structures, equipment, improvements, and interests in lands.

(d) Nothing in this section, or in any rule or regulation issued under this section, or in any agreement required by this section, shall prohibit (1) any State, political subdivision, or agency or instrumentality thereof, from contracting with any person to operate any parking facility constructed under this section, or (2) any such person from so operating such facility.

(e) The Secretary shall not approve any project *in an urbanized area* under this section unless he determines that it is based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

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§ 140. Equal [employment] opportunity.

(a) Prior to approving any programs for projects as provided for in subsection (a) of section 105 of this title, the Secretary shall require assurances from any State desiring to avail itself of the benefits of this chapter that employment in connection with proposed projects will be provided without regard to race, color, creed [or national origin], *national origin or sex.* He shall require that each State shall include in the advertised specifications, notification of the specific equal employment opportunity responsibilities of the successful bidder. In approving programs for projects on any of the Federal-aid systems, the Secretary shall, where he considers it necessary to assure equal employment opportunity, require certification by any State desiring to avail itself of the benefits of this chap-

ter that there are in existence and available on a regional, statewide, or local basis, apprenticeship, skill improvement or other upgrading programs, registered with the Department of Labor or the appropriate State agency, if any, which provide equal opportunity for training and employment without regard to race, color, creed [or national origin], *national origin, or sex.* The Secretary shall periodically obtain from the Secretary of Labor and the respective State highway departments information which will enable him to judge compliance with the requirements of this section and the Secretary of Labor shall render to the Secretary such assistance and information as he shall deem necessary to carry out the equal employment opportunity program required hereunder.

(b) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer highway construction training, including skill improvement programs. [Whenever apportionments are made under section 104(b) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed $2,500,000 for the transition quarter ending September 30, 1976, and not to exceed $10,000,000 per fiscal year, for the administration of this subsection. Such sums so deducted shall remain available until expended.] *Of the sums available for carrying out the provisions of section 104(a) of this title, not to exceed $10,000,000 per fiscal year, as provided in annual appropriation Acts, shall be available for the administration of this subsection.* The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary.

(c) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer training programs and assistance programs in connection with any program under this title in order that minority businesses may achieve proficiency to compete, on an equal basis, for contracts and subcontracts under this title. Of the sums available for carrying out the provisions of section 104(a) of this title, not to exceed $10,000,000 per fiscal year, as provided in annual appropriation Acts, shall be available for the administration of this subsection. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), and section 302 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252) shall not be applicable to contracts and agreements made under the authority granted to the Secretary by this section.

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§ 142. Public transportation.

(a)(1) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as "buses"), so as to

increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and sums apportioned under section 104(b) of this title shall be available to finance the cost of projects under this paragraph. If fees are charged for the use of any parking facility constructed under this section, the rate thereof shall not be in excess of that required for maintenance and operation of the facility *and the cost of providing shuttle service to and from the facility* (including compensation to any person for operating the facility *and for providing such shuttle service).*

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§ 144. Highway bridge replacement and rehabilitation program.

(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a highway bridge replacement and rehabilitation program be established to enable the several States to replace or rehabilitate highway bridges over waterways, other topographical barriers, other highways, or railroads when the States and the Secretary finds that a bridge is significantly important and is unsafe because of structural deficiencies, physical deteroration, or functional obsolescence.

(b) The Secretary, in consultation with the States, shall (1) inventory all those highway bridges on any Federal-aid system which are bridges over waterways, other topographical barriers, other highways, and railroads; (2) classify them according to serviceability, safety, and essentiality for public use; (3) based on that classification, assign each a priority for replacement or rehabilitation; and (4) determine the cost of replacing each such bridge with a comparable facility or by rehabilitating such bridge.

(c)(1) The Secretary, in consultation with the States, shall (1) inventory all those highway bridges on public roads, other than those on any Federal-aid system, which are bridges over waterways, other topographical barriers, other highways, and railroads, (2) classify them according to serviceability, safety, and essentiality for public use, (3) based on the classification, assign each a priority for replacement or rehabilitation and (4) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

(2) The Secretary may, at the request of a State, inventory bridges, on and off the Federal-aid system, for historic significance.

(d) Whenever any State or States make application to the Secretary for assistance in replacing or rehabilitating a highway bridge which the priority system established under subsection (b) and (c) of this section shows to be eligible, the Secretary may approve Federal participation in replacing such bridge with a comparable facility or in rehabilitating such bridge. The Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based upon the unsafe highway bridges in such State. In approving projects under this section, the Secretary shall

give consideration to those projects which will remove from service those highway bridges most in danger of failure.

[(e) Funds authorized to carry out this section shall be apportioned on October 1 of the fiscal year for which authorized. Funds authorized to carry out this section for the fiscal year ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, shall be apportioned to the States in accordance with revised table 1 of Committee Print 95–49 of the Committee on Public Works and Transportation of the House of Representatives. Funds authorized to carry out this section which are apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to other States in accordance with revised table 1 of Committee Print 95–49 of the Committee on Public Works and Transportation of the House of Representatives.]

(e) Funds authorized to carry out this section shall be apportioned among the several States on October 1 of the fical year for which authorized in accordance with this subsection. Each deficient bridge shall be placed into one of the following categories: (1) Federal-aid system bridges eligible for replacement, (2) Federal-aid system bridges eligible for rehabilitation, (3) off-system bridges eligible for replacement, and (4) off-system bridges eligible for rehabilitation. The square footage of deficient bridges in each category shall be multiplied by the respective unit price on a State-by-State basis, as determined by the Secretary; and the total cost in each State divided by the total cost of the deficient bridges in all States shall determine the apportionment factors. No State shall receive more than 10 percent or less than 0.25 percent of the total apportionment for any one fiscal year. The Secretary shall make these determinations based upon the latest available data, which shall be updated annually.

(f) The Federal share payable on account of any highway bridge replaced or rehabilitated under this section shall be 80 per centum of the cost thereof.

(g)*(1)* To carry out this section, there is authorized to be appropriated out of the Highway Trust Fund, $100,000,000 for the fiscal year ending June 30, 1972, $150,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $125,000,000 for the fiscal year ending June 30, 1976, to be available until expended. Of the amount authorized per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, authorized by paragraph (6) of section 202 of the Highway Safety Act of 1978, all but $200,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section, $200,000,000 per fiscal year of the amount authorized for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date except that the obligation of such $200,000,000 shall be at the discretion of the

Secretary and shall be only for projects for those highway bridges the replacement or rehabilitation cost of each of which is more than $10,000,000. Not less than 15 per centum nor more than 35 per centum of the amount apportioned to each State in each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, shall be expended for projects to replace or rehabilitate highway bridges located on public roads, other than those on a Federal aid system, and for any project for a highway bridge the replacement or rehabilitation costs of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge. The Secretary after consultation with State and local officials may, with respect to a State, reduce the requirement for expenditure for bridges not on a Federal aid system when he determines that such State has inadequate needs to justify such expenditure.

(2) Of the amount authorized per fiscal year for each of the fiscal years ending September 30, 1983, September 30, 1994, September 30, 1985, and September 30, 1986, authorized by section 202(1) of the Highway Safety Act of 1982, all but $200,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section. $200,000,000 per fiscal year of the amount authorized for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986, shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of such $200,000,000 shall be at the discretion of the Secretary and shall be only for projects for those highway bridges the replacement or rehabilitation cost of each of which is more than $10,000,000, and for any project for a highway bridge the replacement or rehabilitation costs of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge. The Secretary shall permit discretionary bridge funds to be allocated for the purpose of replacing the LaSalle Peru Bridge which is part of a complete replacement of US 51 in a new location. Not less than 15 per centum nor more than 35 per centum of the amount apportioned to each State in each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986, shall be expended for projects to replace or rehabilitate highway bridges located on public roads, other than those on a Federal-aid system. The Secretary after consultation with State and local officials may, with respect to a State, reduce the requirement for expenditure for bridges not on a Federal-aid system when he determines that such State has inadequate needs to justify such expenditure.

(h) Notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525–533) shall apply to bridges authorized to be replaced, in whole or in part, by this section, except that subsection (b) of section 502 of such Act of 1946 and section 9 of the Act of March 3, 1899 (30 Stat. 1151) shall not apply to any bridge constructed, reconstructed, rehabilitated, or replaced with

assistance under this title, if such bridge is over waters which are not subject to the ebb and flow of the tide, and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.

(i) The Secretary shall report annually on projects approved under this section, shall annually revise and report the current inventories authorized by subsections (b) and (c) of this section, and shall report such recommendations as he may have for improvement of the program authorized by this section.

(j) Sums apportioned to a State under this section shall be made available for obligation throughout such State on a fair and equitable basis.

(k) Not later than six months after the date of enactment of this subsection, and periodically thereafter, the Secretary shall review the procedure used in approving or disapproving applications submitted under this section to determine what changes, if any, may be made to expedite such procedure. Any such changes shall be implemented by the Secretary as soon as possible. Not later than nine months after the date of enactment of this subsection, the Secretary shall submit a report to Congress which describes such review and such changes, including any recommendations for legislative changes.

(l) Notwithstanding any other provision of law, any bridge which is owned and operated by an agency (1) which does not have taxing powers, (2) whose functions include operating a federally assisted public transit system subsidized by toll revenues, shall be eligible for assistance under this section but the amount of such assistance shall in no event exceed the cumulative amount which such agency has expended for capital and operating costs to subsidize such transit system. Before authorizing an expenditure of funds under this subsection, the Secretary shall determine that the applicant agency has insufficient reserves, surpluses, and projected revenues (over and above those required for bridge and transit capital and operating costs) to fund the necessary bridge replacement or rehabilitation project.

(m) As used in this section the term "rehabilitate" in any of its forms means major work necessary to restore the structural integrity of a bridge as well as work necessary to correct a major safety defect.

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§ 146. Carpool and vanpool projects.

(a) In order to conserve fuel, decrease traffic congestion during rush hours, improve air quality, and enhance the use of existing highways and parking facilities, the Secretary may approve for Federal financial assistance from funds apportioned under sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title, projects designed to encourage the use of carpools and vanpools. (As used hereafter in this section, the term "carpool" includes a vanpool.) Such a project may include, but is not limited to, such measures as providing carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of convenient carpool op-

portunities, acquiring vehicles appropriate for carpool use, disignating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use as preferential parking for carpools.

(b) [A project authorized by this section] *The Federal share of a project authorized by this section shall be that provided in section 120(j) of this title, and such project otherwise* shall be subject to and carried out in accordance with all provisions of this title, except those provisions which the Secretary determines are inconsistent with this section.

* * * * * * *

§ 150. allocation of urban system funds.

The funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title that are attributable to urbanized areas of 200,000 population or more shall be made available for expenditure in such urbanized areas for projects in programs approved under subsection (d) of section 105 of this title in accordance with a fair and equitable formula developed by the State which formula has been approved by the Secretary. Such formula shall provide for fair and equitable treatment of incorporated municipalities of 200,000 or more population. Whenever such a formula has not been developed and approved for a State, the funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title which are attributable to urbanized areas having a population of 200,000 or more shall be allocated among such urbanized areas within such State for projects in programs approved under subsection (d) of section 105 of this title in the ratio that the population within each such urbanized area bears to the population of all such urbanized areas, or parts thereof, within such State. In the expenditure of funds allocated under the proeceding sentence, fair and equitable treatment shall be accorded incorporated municipalities of 200,000 or more population. *Funds allocated to an urbanized area under this section may, at the request of the Governor of a State and upon approval of the appropriate local officials of such area and of the Secretary, be made available for expenditure in another urbanized area of in any urban area in such State*

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§ 152. Hazard elimination program.

(a) Each State shall conduct and systematically maintain an engineering survey of all public roads to identify hazardous locations, sections, and elements, including roadside obstacles and unmarked or poorly marked roads, which may constitute a danger to motorists and pedestrians, assign priorities for the correction of such locations, sections, and elements, and establish and implement a schedule of projects for their improvement.

(b) The Secretary may approve as a project under this section any highway safety improvement project.

[(c) Funds authorized to carry out this section shall be available solely for expenditure for projects on any Federal-aid system (other

than the Interstate System) except in the Virgin Islands, Guam, and American Samoa.]

(c) Funds authorized to carry out this section shall be available for expenditure on any public road (other than a highway on the Interstate System).

(d) The Federal share payable on account of any project under this section shall be 90 percent of the cost thereof.

(e) Funds authorized to be appropriated to carry out this section shall be apportioned to the States as provided in section 402(c) of this title. Such funds shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under section 104(b)(1), except that the Secretary is authorized to waive provisions he deems inconsistent with the purposes of this section.

(f) Each State shall establish an evaluation process approved by the Secretary, to analyze and assess results achieved by highway safety improvement projects carried out in accordance with procedures and criteria established by this section. Such evaluation process shall develop cost-benefit data for various types of corrections and treatments which shall be used in setting priorities for highway safety improvement projects.

(g) Each State shall report to the Secretary of Transportation not later than December 30 of each year, on the progress being made to implement highway safety improvement projects for hazard elimination and the effectiveness of such improvements. Each State report shall contain an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards and the previous and subsequent accident experience at these locations. The Secretary of Transportation shall submit a report to the Congress not later than April 1 of each year on the progress being made by the States in implementing the hazard elimination program. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include recommendations for future implementation of the hazard elimination program.

(h) For the purposes of this section the term "State" shall have the meaning given it in section 401 of this title.

§ 153. Repealed by Public Law 95-599.

§ 154. National maximum speed limit.

(a) The Secretary of Transportation shall not approve any project under section 106 in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of fifty-five miles per hour, or (2) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion or highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles

using it. *The Secretary of Transportation shall not approve any project under section 106 in any State whose laws do not constitute a substantial deterrent to violations of the maximum speed limit on public highways within its jurisdiction.* A lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clause (2) of this subsection shall not apply to any portion of a highway, during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

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Chapter 2.—OTHER HIGHWAYS

Sec.
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§ 201. Authorizations.

(a) The provision of this title shall apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds on the following classes of highways: Forest highways, forest development roads and trails, park roads [and trails], parkways, Indian reservation roads, public lands highways, and defense access roads. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

(b) There is hereby authorized to be appropriated such sums as may be necessary for forest development roads and trails, public lands development roads and trails, and park roads.

[§ 202. Apportionment or allocation.

[(a) On October 1 of each fiscal year, the Secretary shall apportion the sums authorized to be appropriated for such fiscal year for forest highways in the several States, according to the area and value of the land owned by the United States within the national forests therein, which the Secretary of Agriculture is directed to

determine and certify to the Secretary from such information, sources, and departments as the Secretary of Agriculture may deem most accurate.

[(b) Sums authorized to be appropriated for forest development roads and trails shall be allocated by the Secretary of Agriculture according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

[(c) Sums authorized to be appropriated for public lands highways shall be allocated by the Secretary among those States having unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. Preference shall be given to those projects which are located on a Federal-aid system.]

§ 202. Allocations

(a) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for forest highways according to the relative needs of the various elements of the National Forest System as determined by the Secretary, taking into consideration the need for access as identified by the Secretary of Agriculture through renewable resource and land use planning, and the impact of such planning on existing transportation facilities.

(b) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for public lands highways among those States having unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. The Secretary shall give preference to those projects which are significantly impacted by Federal land and resource management activities.

(c) Sums authorized to be appropriated for forest development roads and trails shall be allocated by the Secretary of Agriculture according to the relative needs of the various national forest, taking into consideration the existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

(d) On October 1 of each fiscal year, the Secretary of the Interior shall allocate the sums appropriated for such fiscal year for park roads and parkways according to the relative needs of the various elements of the National Park System, taking into consideration the need for access as identified through land use planning and the impact of such planning on existing transportation facilities.

(e) On October 1 of each fiscal year, the Secretary of the Interior shall allocate the sums appropriated for such fiscal year for Indian reservation roads and bridges according to the relative needs of the various reservations as jointly identified by the Secretary and the Secretary of the Interior.

§ 203. Availability of funds.

Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads [and trails], parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or on October 1, of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for a period of three years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated. Any funds heretofore or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, public lands development roads and trails, park roads [and trails], parkways, Indian roads and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

[§ 204. Forest highways.

[(a) Funds available for forest highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof. In connection therewith, the Secretary may enter into construction contracts and such other contracts with a State, or civil subdivision thereof as he deems advisable.

[(b) Cooperation of States, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary.

[(c) Construction estimated to cost $5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than $5,000 per mile of if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purpose, the Secretary may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

[(d) All appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of Agriculture.

[(e) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest-highway program.

[(f) Funds available for forest highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.]

§ 204. Federal lands highways program

(a) Recognizing the need for all Federal roads to be treated under the same uniform policies there is established a coordinated Federal Lands Highways Program to be administered by the Secretary which shall consist of the forest highways, public lands highways, park roads, parkways, and Indian reservation roads and bridges as defined in section 101 of title 23, United States Code.

(b) Funds available for forest highways and public lands highways shall be used by the Secretary to pay for the cost of construction and improvement thereof. Funds available for park roads, parkways, and Indian reservation roads and bridges shall be used by the Secretary of the Interior to pay for the cost of construction and improvement thereof. In connection therewith, the Secretary or the Secretary of the Interior, as appropriate, may enter into construction contracts and such other contracts with a State, or civil subdivision thereof as deemed advisable.

(c) Cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement, and any funds received from a State, county, or local subdivision shall be credited to appropriations available for the class of Federal lands highways to which such funds were contributed.

(d) Construction of each project shall be performed by contracts awarded by competitive bidding, unless the Secretary or the Secretary of the Interior, as appropriate, shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest.

(e) All appropriations for the construction and improvement of each class of Federal lands highways shall be administered in conformity with regulations and agreements jointly approved by the Secretary and the Secretary of the appropriate Federal land managing agency.

(f) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with forest highways.

(g) Funds available for each class of Federal lands highways shall be available for adjacent vehicular parking areas and scenic easements.

(h) As used in this section, the term "Federal lands highways" means forest highways, public lands highways, park roads, parkways, and Indian reservation roads and bridges.

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[§ 206. Park roads and trails.

[(a) Funds available for park roads and trails shall be used to pay for the cost of construction and improvement thereof.

[(b) Appropriatins for the construction and improvement of park roads shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

[§ 207. Parkways.

[(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof, including the acquisition of rights-of-way and related scenic easements.

[(b) Appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

[(c) The location of parkways upon public lands, national forests, or other Federal reservations, shall be determined by agreement between the department having jurisdiction over such lands and the Secretary of the Interior.

[(d) Any parkway project on a Federal-aid system shall be subject to all of the requirements of this title and of any other law applicable to highways on such system.

[§ 208. Indian reservation roads.

[(a) Funds available for Indian reservation roads and bridges shall be used to pay for the cost of construction and improvement thereof.

[(b) The Secretary shall approve the location, type, and design of all projects for Indian reservation roads and bridges before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary.

[(c) Before approving as a project on an Indian reservation road or bridge any project on a Federal-aid system in a State, the Secretary must determine the obligation of funds for such project is supplementary to and not in lieu of the obligation, for projects on Indian reservation roads and bridges, of a fair and equitable share of funds apportioned to such State under section 104 of this title.

[(d) Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.

[(e) Cooperation of States, counties, or other local subdivisions may be accepted in such construction and improvement, and any funds, received from a State, county, or local subdivision shall be credited to appropriations available for Indian reservation roads and bridges.

[§ 209. Public lands highways.

[(a) Funds available for public lands highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof.

[(b) The Secretary is authorized to cooperate with the State highway departments and with the Secretary of the Department having jurisdiction over the particular lands, in the survey, construction, and maintenance of public lands highways.

[(c) The provisions of section 112 of this title are applicable to public lands highways.

[(d) Funds available for public lands highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.]

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[§ 217. Bicycle transportation and pedestrian walkways.

[(a) To encourage energy conservation and the multiple use of highway rights-of-way, including the development, improvement, and use of bicycle transportation and the development and improvement of pedestrian walkways on or in conjunction with highway rights-of-way, the States may, as Federal-aid highway projects, construct new or improved lanes, paths, or shoulders; traffic control devices, shelters for and parking facilities for bicycles; and pedestrian walkways. Sums apportioned in accordance with paragraphs (1), (2), and (6) of section 104(b) of this title shall be available for bicycle projects and pedestrian walkways authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

[(b) For all purposes of this title, a bicycle or pedestrian walkway project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such bicycle project or pedestrian walkway shall be that provided in section 120 of this title.

[(c) Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of bicycle and pedestrian routes in conjunction with such trails, roads, highways, and parkways.

[(d) No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes and, when snow conditions and State or local regulations permit, snowmobiles.

[(e) Not more than $45,000,000 of funds authorized to be appropriated in any fiscal year may be obligated for projects authorized by subsections (a) and (c) of this section, and no State shall obligate more than $2,500,000 for such projects in any fiscal year.]

§ 217. Bicycle transportation and pedestrian walkway

(a) To encourage energy conservation and the multiple use of highway rights-of-way, including the development and improvement of pedestrian walkways on or in conjunction with highway rights-of-way, the States may, as Federal-aid highway projects, construct pedestrian walkways. Sums apportioned in accordance with paragraphs (1), (2), and (6) of section 104(b) of this title shall be available for pedestrian walkways authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

(b)(1) To encourage energy conservation, including the development, improvement, and use of bicycle transportation, the States may, as Federal-aid highway projects, construct new or improved lanes, paths, or shoulders; traffic control devices, shelters for and parking facilities for bicycles, and carry out nonconstruction projects related to safe bicycle use. Sums apportioned in accordance with paragraphs (1), (2), and (6) of section 104(b) of this title shall be

available for bicycle projects authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

(2) In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway, other than a highway access to which is fully controlled, on which bicycles are permitted to operate at each end of such bidge, and the Secretary determines that the safe accommodation of bicycles can be provided at reasonable cost as part of such replacement or rehabilitation, then such bridge shall be so replaced or rehabilitated as to provide such safe accommodations.

(3) No bicycle project shall be authorized by this section unless the Secretary shall have determined that such bicycle project will be principally for transportation, rather than recreation, purposes.

(c) for all purposes of this title, a pedestrian walkway project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such pedestrain walkway project shall be that provided in section 120 of this title.

(d) For all purposes of this title, a bicycle project authorized by subsection (b) of this section shall be deemed to be a highway project, and the Federal share payable on account of such bicycle project shall be that provided in section 120(j) of this title.

(e) Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of pedestrain walkways in conjunction with such trails, roads, highways, and parkways.

(f) Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of bicycle routes.

(g) No motorized vehicles shall be permitted on trails and walkways authorized under this section ecept for maintenance purposes and, when snow conditions and State or local regulations permit, snowmobiles.

(h) Not more than $45,000,000 of funds authorized to be appropriated in any fiscal year may be obligated for projects authorized by subsections (a), (b), (e), and (f) of this section. No State shall obligate more than $4,500,000 for such projects in any fiscal year, except that the Secretary may, upon application, waive this limitation for a State for any fiscal year.

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Chapter 3.—GENERAL PROVISIONS

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§ 307. Research and planning.

(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may publish the results of such research. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit is nonprofit), or any other organization, or person. The Secretary is also authorized, acting independently or in cooperation with the other Federal departments, agencies, or instrumentalities, to make grants for research fellowships for any purpose for which research is otherwise authorized by this section. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 104 of this title, funds authorized to carry out section 403 of this title, and such funds as may be deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts or agreements made under the authority of this subsection.

(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards. The highway research program herein authorized shall also include studies to identify and measure, quantitatively and qualitatively, those factors which relate to economic, social, environmental, and other impacts of highway projects.

(c)(1) Not to exceed 1½ per centum of the sums apportioned for each fiscal year beginning with fiscal year 1974 to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations; for the planning of future highway programs and local public transportation systems and for planning for the financing thereof; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof; and for research and development, necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use.

(2) One and one-half per centum of the sums apportioned for each fiscal year beginning with the fiscal year 1964 to any State under section 104 of this title shall be available for expenditure by the State highway department only for the purposes enumerated in paragraph (1) of this subsection.

(3) In addition to the percentage provided in paragraph (2) of this subsection, not to exceed one-half of one per centum of sums appor-

tioned for each fiscal year beginning with the fiscal year 1964 under paragraphs (1), (2), and (3) of section 104(b) of this title shall be available for expenditure upon request of the State highway department for the purposes enumerated in paragraph (1) of this subsection, including demonstration projects in connection with such purposes.

(4) Sums made available under paragraphs (2) and (3) of this subsection shall be matched by the State in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

(d) As used in this section the term "safety" includes, but is not limited to, highway safety systems, research, and development relating to vehicle, highway, and driver characteristics, accident investigations, communications, emergency medical care, and transportation of the injured.

(e) Up to one and one-half per centum of funds appropriated for forest highways, public lands highways, park roads, parkways, and Indian reservation roads and bridges may be made available for expenditure by the Secretay for the planning of future highway programs, for engineering and economic studies and investigations, and for the development and demonstration of technology relative to the planning, design, construction, and maintenance of such highways.

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Chapter 4.—HIGHWAY SAFETY

* * * * * * *

§ 402. Highway safety programs.

(a) * * *

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(c) Funds authorized to be appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with subsection (a), including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom. Such funds shall be subject to a deduction not to exceed 5 per centum for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States. For the fiscal years ending June 30, 1967, June 30, 1968, and June 30, 1969, such funds shall be apportioned 75 per centum on the basis of population and 25 per centum as the Secretary in his administrative discretion may deem appropriate and thereafter such funds shall be apportioned 75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a "public road" means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as

used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary. The annual apportionment to each State shall not be less than one-half of 1 per centum of the total apportionment], except that the apportionments to the Virgin Islands, Guam, and American Samoa shall not be less than one-third of 1 per centum of the total apportionment]. After December 31, 1969, the Secretary shall not apportion any funds under the subsection to any State which is not implementing a highway safety program approved by the Secretary in accordance with this section. For the purpose of the seventh sentence of this subsection, a highway safety program approved by the Secretary shall not include any requirement that a State implement such a program by adopting or enforcing any law, rule, or regulation based on a standard promulgated by the Secretary under this section requiring any motorcycle operator eighteen years of age or older or passenger eighteen years of age or older to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that State. Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform standard, or with every element of every uniform standard, in every State. Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 per centum of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction. The Secretary shall promptly apportion to the State the funds withheld from its apportionment if he approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, prior to the end of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in this subsection not later than 30 days after such determination.

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(k)(1) Subject to the provisions of this subsection, in addition to other grants authorized by this section, the Secretary shall make grants to those States which adopt and implement effective programs to reduced traffic safety problems resulting from persons driving while under the influence of alcohol. Such grants shall be made in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to implement and enforce such programs.

(2) No grant may be made to a State under this subsection in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will

maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this subsection.

(3) No State may receive grants under this subsection in more than three fiscal years. The Federal share payable for any grant under this section shall not exceed—

(A) in the first fiscal year the State receives a grant under this subsection, 75 per centum of the cost of implementing and enforcing in such fiscal year the alcohol traffic safety program adopted by the State pursuant to paragraph (1);

(B) in the second fiscal year the State receives a grant under this subsection, 50 per centum of the cost of implementing and enforcing in such fiscal year such program; and

(C) in the third fiscal year the State receives a grant under this subsection, 25 per centum of the cost of implementing and enforcing in such fiscal year such program;

except that the Secretary may not make grants under this subsection to a State in any fiscal year the aggregate amounts of which exceed 50 per centum of the amount apportioned to such State for such fiscal year under subsection (c) of this section.

(4) The Secretary may only establish the criteria required by paragraph (1) in cooperation with the States and political subdivisions thereof, appropriate Federal departments and agencies, and such other public and nonprofit organizations as the Secretary deems appropriate. In establishing such criteria, the Secretary shall consider legislation which enhances the implementation of comprehensive State and community-based programs to effectively reduce traffic safety problems resulting from persons driving while under the influence of alcohol with provisions such as enhanced enforcement supported by public information; enactment of a statute providing that a person with a blood alcohol concentration of 0.10 per centum or greater when driving a vehicle shall be deemed to be driving while intoxicated; a statewide driver record system from which repeat offenders may be identified and which is easily accessible to the courts and the public; administrative suspension or revocation by the State licensing agency of the driver's license of each offender; empowering the courts to make recommendations concerning suspension or revocation of drivers' licenses of offenders; providing the courts with presentence screening authority and with the following sanction options for all persons convicted of driving while intoxicated: community service, fines, imprisonment, and attendance in either an alcohol safety education or treatment program; and providing for locally coordinated alcohol traffic safety programs in each major political subdivision of the State which are administered by local officials and are financially self-sufficient.

(5) Funds for grants under this subsection shall be in addition to other funds authorized by this section. There is hereby authorized to be appropriated to carry out this subsection, out of the Highway Trust Fund, $25,000,000 for fiscal year ending September 30, 1983, and $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, and September 30, 1985. No part of the sums

authorized by this subsection shall be apportioned as provided in subsection (c).

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§ 404. National Highway Safety Advisory Committee.

(a)(1) * * *

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(b)*(1)* The National Highway Safety Advisory Committee shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Department in the field of highway safety. The Committee is authorized [(1)] *(A)* to review research projects or programs submitted to or recommended by it in the field of highway safety and recommend to the Secretary, for prosecution under this title, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause and prevention of highway accidents; and [(2)] *(B)* to review, prior to issuance, standards proposed to be issued by order of the Secretary under the provisions of section 402(a) of this title and to make recommendations thereon. Such recommendations shall be published in connection with the Secretary's determination or order

(2) The Committee shall establish a subcommittee to advise the Secretary concerning the operation of the National Driver Register established under the National Driver Register Act of 1982. The Committee shall submit to the Secretary an annual report regarding the subcommittee's activities during the year covered by the report.

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HIGHWAY SAFETY ACT OF 1978

TITLE II

* * * * * * *

HIGHWAY SAFETY

SEC. 202. The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund $175,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, and $200,000,000 for the fiscal year ending September 30, 1981.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981, and $31,000,000 per fiscal year for each of the fiscal years ending September 30, 1982, September 30, 1983, and [September

30, 1984]. *September 30, 1984, September 30, 1985, and September 30, 1986.*

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, $25,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981, and $10,000,000 per fiscal year for each of the fiscal years ending September 30, 1982, September 30, 1983, [and September 30, 1984.] *September 30, 1984, September 30, 1985, and September 30, 1986.*

(4) For carrying out in accordance with section 402(c) of title 23, United States Code, section 154 of such title (relating to the national maximum speed limit), other than subsection (i), out of the Highway Trust Fund, $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981. For carrying out section 154(i) of such title, out of the Highway Trust Fund, $17,500,000 per fiscal year for each of the fiscal years ending September 30, 1980, and September 30, 1981.

(5) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, $10,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, and $13,000,000 per fiscal year for each of the fiscal years ending September 30, 1983, [and September 30, 1984] *September 30, 1984, September 30, 1985, and September 30, 1986.*

(6) For bridge reconstruction and replacement under section 144 of title 23, United States Code, out of Highway Trust Fund, $900,000,000 for the fiscal year ending September 30, 1979, $1,100,000,000 for the fiscal year ending September 30, 1980, $1,300,000,000 for the fiscal year ending September 30, 1981, and $900,000,000 for the fiscal year ending September 30, 1982.

(7) For carrying out section 151 of title 23, United States Code (relating to pavement marking), out of the Highway Trust Fund, $65,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981.

(8) For projects for elimination of hazards under section 152 of title 23, United States Code, out of the Highway Trust Fund, $125,000,000 for the fiscal year ending September 30, 1979, $150,000,000 for the fiscal year ending September 30, 1980, $150,000,000 for the fiscal year ending September 30, 1981, and $200,000,000 for the fiscal year ending September 30, 1982.

* * * * * * *

(9) For carrying out section 406 of title 23, United States Code (relating to schoolbus driver training), out of the Highway Trust Fund, $2,500,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982 and $1,500,000 for the fiscal year ending September 30, 1983. Section 406 of title 23, United States Code, is repealed effective upon the obligation and expenditure of all funds authorized to carry out such section.

(10) For carrying out section 407 of title 23, United States Code (relating to innovative project grants), out of the Highway Trust

Fund, $5,000,000 for the fiscal year ending September 30, 1980, and $10,000,000 for the fiscal year ending September 30, 1981.

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HIGHWAY SAFETY EDUCATION AND INFORMATION

SEC. 209. (a) The Secretary of Transportation [, acting through the Administrator of the Federal Highway Administration,] shall carry out six pilot projects designed, through the use of television and radio, to develop and evaluate techniques, methods, and practices to achieve maximum measurable effectiveness in reducing traffic accidents, injuries, and deaths.

(b) Each pilot project authorized by this section shall be in operation not later than the one hundred and eightieth day after the date of the first appropriation of funds made under authority of this section, and shall be conducted for a one-year period. Not later than the ninetieth day after the end of each such one-year period, the Secretary of Transportation [, acting through the Administrator of the Federal Highway Administration,] shall report to Congress the results of such project, including, but not limited to, an evaluation of the effectiveness of such project and a statistical analysis of the traffic accidents and fatalities within the project area during such one-year period.

(c) There is authorized to be appropriated, out of the Highway Trust Fund, to carry out subsections (a) and (b) of this section, $6,000,000, to remain available until expended.

(d) Not later than the one hundred and eightieth day after the date of submission of the final report to Congress required by subsection (b) of this section, and utilizing those techniques, methods, and practices determined most effective, the Secretary of Transportation [, acting through the Administrator of the Federal Highway Administration,] shall conduct a national highway safety campaign utilizing the local and national television and radio to educate and inform the public of techniques, methods, and practices to reduce the number and severity of highway accidents.

(e) Such campaign is authorized to be conducted in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, and shall utilize to the extent possible nongovernmental professional organizations equipped and experienced to conduct such campaign.

(f) The Secretary of Transportation [, acting through the Administrator of the Federal Highway Administration,] shall engage such private firms or organizations as he determines necessary to conduct an on-going evaluation of the national campaign authorized by subsection (d) of this section to determine ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to ongoing highway safety programing for evaluating the effectiveness of such programs in terms of the number of lives saved and the reduction in injuries, and for the purpose of developing new programs for the promotion of highway safety. Such evaluation shall include determinations of those programs designed to encourage the voluntary use of safety belts which a most effective and shall include recommendations for new methods and approaches which

will result in greater voluntary utilization of safety belts by the public.

(g) The Secretary of Transportation [, acting through the Administrator of the Federal Highway Administration,] shall submit a report to the Congress on July 1 of each year in which the campaign is in progress on the results of such evaluation and on the steps being taken by the [Federal Highway Administration to] *Secretary of Transportation to* implement the recommendations of such evaluation.

(h) For the purpose of carrying out subsections (d), (e), (f) and (g) of this section, there is authorized to be appropriated out of the Highway Trust Fund, $10,000,000, to remain available until expended.

(i) All provisions of chapter 1 of title 23, United States Code, that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section.

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Section 203 of the Highway Safety Act of 1973

RAIL-HIGHWAY CROSSINGS

Sec. 203. (a) * * *

(b) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated, out of the Highway Trust Fund, for projects for the elimination of hazards of railway-highway crossings on any public road, $25,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, $75,000,000 for the fiscal year ending June 30, 1976, $125,000,000 for the fiscal year ending September 30, 1977, $125,000,000 for the fiscal year ending September 30, 1978, $190,000,000 for the fiscal year ending September 30, 1979, and $190,000,000 for each of the fiscal years ending September 30, 1980, September 30, 1981, [and September 30, 1982.] *September 30, 1982, September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.* At least half of the funds authorized and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Sums authorized to be appropriated by this subsection shall be available for obligation in the same manner as funds apportioned under section 104(b)(1) of title 23, United States Code.

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Urban Mass Transportation Act of 1964

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FEDERAL FINANCIAL ASSISTANCE

SEC. 3. (a)(1) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as the Secretary may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing—

(A) the construction of new fixed guideway systems and extensions to existing fixed guideway systems, including the acquisition of real property, the initial acquisition of rolling stock needed for such systems, and the detailed alternative analyses relating to the development of such systems;

(B) the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service and the coordination of such service with highway and other transportation. Eligible facilities and equipment may include personal property such as buses and other rolling stock, and rail and bus facilities, and real property and improvements (but not public highways other than fixed guideway facilities) needed for an efficient and coordinated public transportation system. No project for the replacement or purchase of buses and related equipment or the construction of bus-related facilities shall be approved unless the Secretary finds that such project cannot be reasonably funded out of the apportionments under section 5(a)(4) *and section 9* of this Act;

(C) the introduction into public transportation service of new technology in the form of innovative and improved products;

(D) transportation projects which enhance the effectiveness of any mass transportation project and are physically or functionally related to such mass transportation project or which create new or enhanced coordination between public transportation and other forms of transportation, either of which enhance urban economic development or incorporate private investment including commercial and residential development. The term "eligible costs" includes property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, and the acquisition, construction, and improvement of facilities and equipment for intermodal transfer facilities and transit malls, but does not include the construction of commercial revenue-producing facilities, whether publicly or privately owned, or of those portions of public facilities not related to mass transportation. The Secretary shall require that all grants and loans under this paragraph be subject to such terms, conditions, requirements, and provisions as the Secretary determines necessary or appropriate for purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section. The Secretary shall require in all grants and loans under this subparagraph that any person or entity that contracts to occupy space in facilties funded under this subparagraph shall pay a fair share of

the cost of such facilities, through rental payments and other means;

(E) the modification of equipment and fixed facilities (other than stations) which the Secretary determines to be necessary to avoid any adverse effects resulting from the implementation of the Northeast Corridor project pursuant to title VII of Public Law 94-210. Notwithstanding the Federal share provisions of section 4(a) of this Act, the Secretary is authorized to make grants for 100 per centum of the net project cost of projects assisted under this subparagraph.

(2) (A) No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have—

(i) the legal, financial, and technical capacity to carry our the proposed project; [and]

(ii) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and the equipment; [and]

(iii) sufficient capability to maintain the facilities and equipment.

(B) The Secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination which shall be in lieu of the determination required by subparagraph (A), that the real property is reasonably expected to be required in connection with a mass transportation system and that it will be used for that purpose within a reasonable period.

(C) No grant or loan funds shall be used for payment of ordinary governmental or nonproject operating expenses, nor shall any grant or loan funds be used to support procurements utilizing exclusionary or discriminatory specifications.

(3) The Secretary shall not approve a grant or loan for a project under this section unless the Secretary finds that such project is part of an approved program of projects required by section 8 of this Act.

(4) The Secretary is authorized to announce an intention to obilgate for a project under this section through the issuance of a letter of intent to the applicant. *At least thirty days prior to the issuance of letter of intent under this paragraph, the Secretary shall notify, in writing, the Committee on Public Works and Transportation of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate, of the proposed issuance of such letter of intent.* Such as action shall not be deemed an obligation as defined under section 1311 of the Act of August 26, 1954, as amended (31 U.S.Cl 200), nor shall such a letter be deemed an administrative commitment. The letter shall be regarded as an intention to obilgate from future available budget authority provided in an appropriation Act not to exceed an amount stipulated as the Secretary's financial participation in the defined project under this section. The amount stipulated in the letter, when issued for a fixed guideway project, shall be sufficient to complete an operable segment. No obligation or administrative commitment may be made pursuant to such a letter of intent except as funds are provided in appropriations Acts. The total estimated amount of

future Federal obligations covered by all outstanding letters of intent shall not exceed the amount authorized [in section 4(c)] *to carry out section 3* of this Act, less an amount reasonable estimated by the Secretary to be neccessay for grants under this section which are not covered by a letter of intent. The total amount covered by new letters issued shall not exceed any limitation that may be specified in an appropriations Act. Nothing in this paragraph shall affect the validity of letters of intent issued prior to the enactment of the Federal Public Transportaion Act of 1978.

FEDERAL SHARE, AND AUTHORIZATIONS

SEC. 4. (a) The Secretary, on the basis of engineering studies, studies of economic feasibility, and data showing the nature and extent of expected utilization of the facilities and equipment, shall estimate what portion of the cost of a project to be assisted under section 3 cannot be reasonably financed from revenues—which portion shall hereinafter be called "net project cost". [The] *Except as otherwise provided in section 9(h)(3)(B), the* Federal grant for any such project to be assisted under section 3 shall be in an amount equal to 80 per centum of the net project cost.

The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds. Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital. No refund or reduction of the remainder of the net project cost shall be made at any time unless there is at the same time a refund of a propotional amount of the Federal grant.

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(c)(1) To finance grants and loans under sections 3, 7(b), and 9 of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $925,000,000, less amounts appropriated pursuant to section 12(d) of this Act as it read prior to enactment of the Federal Public Transportation Act of 1978 and the amount appropriated to the Urban Mass Transportation Fund by Public Law 91-168. This amount (which shall be in addition to any amounts available to finance such activities under subsection (b) of this section) shall become available for obligation upon the date of enactment of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of $310,000,000 prior to July 1, 1972, not to exceed an aggregate of $710,000,000 prior to July 1, 1973, not to exceed an aggregate of $1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of $1,860,000,000 prior to July 1, 1975, and not to exceed an aggregate of $3,100,000,000 thereafter. The total amounts appropriated under this subsection and section 12(d) of this Act shall not exceed the limitations in the foregoing schedule. Sums so appropriated shall remain available until expended.

(2) Notwithstanding paragraph (1) of this subsection or any other provision of this Act, the unobligated balance of contract authority established pursuant to paragraph (1) shall not be available for administrative commitment after September 30, 1978, and shall lapse on September 30, 1980.

(3)(A) To finance additional grants and loans under section 3 of this Act and to finance grants and contracts under subsection (i) of this section and section 8 of this Act, there are authorized to be appropriated not to exceed $1,375,000,000 for the fiscal year ending September 30, 1979; $1,410,000,000 for the year ending September 30, 1980; $1,515,000,000 for the year ending September 30, 1981; *and* $1,515,000,000 for the fiscal year ending September 30, 1982[; and $1,500,000,000 for the fiscal year ending September 30, 1983]. In any fiscal year year not more than five and one-half per centum of such fiscal years appropriation pursuant to this subparagraph shall be used for the purposes of subsection (i) of this section and section 8 of this Act. Appropriations pursuant to the authority of this paragraph and subsection (g) of this section may be in an appropriations Act for a fiscal year preceding the fiscal year in which the appropriation is to be available for obligation and shall remain available for three years following the close of the fiscal year for which such appropriation is made.

(B) In each fiscal year, not more than $200,000,000 of the sums appropriated pursuant to subparagraph (A) shall be available for grants and loans approved under section 3(a)(1)(D) of this Act.

(C) Not more than $45,000,000 of the total sums appropriated pursuant to subparagraph (A) shall be available for grants approved under section 3(a)(1)(E) of this Act.

(D) In each fiscal year, at least $350,000,000 of the sums appropriated pursuant to subparagraph (A) shall be available for grants for the reconstruction and improvement of existing public mass transportation systems.

(d) There are authorized to be appropriated $10,000,000 in each fiscal year for the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, [and September 30, 1982,] *September 30, 1982, September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986,* to carry out the functions of section 11(b) of this Act. Sums appropriated pursuant to this subsection shall remain available until expended.

(e) To finance grants under section 18 of this Act, there are authorized to be appropriated not to exceed $90,000,000 for the fiscal year ending September 30, 1979; $100,000,000 for the fiscal year ending September 30, 1980; $110,000,000 for the fiscal year ending September 30, 1981; $75,000,000 for the fiscal year ending September 30, 1982. Sums appropriated pursuant to this subsection shall remain available until expended.

(f) There are authorized to be appropriated to carry out the functions of this Act other than sections 3, 5, 8, 11(b), 16(b), [18, 21 and 22,] *and 18,* not to exceed $90,000,000 for the fiscal year ending September 30, 1979; $95,000,000 for the fiscal year ending September 30, 1980; $100,000,000 for the fiscal year ending September 30, 1981; and $100,000,000 for the fiscal year ending September 30, 1982. Sums appropriated pursuant to this subsection for financing

projects funded under section 6 of this Act shall remain available until expended.

(g) There are authorized to be appropriated such sums as may be necessary to carry out public transportation projects substituted for Interstate segments withdrawn under section 103(e)(4) of title 23, United States Code, except that there are authorized to be appropriated not to exceed $600,000,000 for such projects for the fiscal year ending September 30, 1982.

(h)(1) On or before the twentieth day of each calendar quarter the Secretary shall submit to Congress a report on (1) obligations, commitments, and reservations by State, designated recipient, and applicant, made under authority of this Act; (2) the balance as of the last day of each quarter of the unobligated, uncommitted, and unreserved apportionments made under this Act; (3) the balance of unobligated, uncommitted, and unreserved sums available for expenditure at the discretion of the Secretary under this Act as of the end of such quarter; (4) a listing of letters of intent issued; and (5) a status report on all outstanding letters of intent.

(2) On or before October 1, 1979, the Secretary shall report to Congress on authorization requests for sections 3 and 5 of this Act for fiscal years 1981 through 1984. On or before October 1, 1981, the Secretary shall report to Congress on authorization requests for sections 3 and 5 of this Act for fiscal years 1983 through 1986. Such authorization requests shall contain a description and analysis of the methods used and the assumptions relied upon by the Secretary.

(i) The Secretary is authorized to make grants to States and local public bodies, using sums available pursuant to section 4(c)(3)(A) of this section, for projects for the deployment of innovative techniques and methods in the management and operation of public transportation services. In each fiscal year grants for any one State shall not exceed twelve and one-half per centum of the funds available for the purposes of this subsection.

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BLOCK GRANTS

SEC. 9. (a)(1) Of the amount appropriated from the general fund of the Treasury to carry out section 21(a) of this Act, 8.73 per centum shall be available for expenditure under this section in each fiscal year only in urbanized areas with a population of less than 200,000.

(2) Of the amount appropriated from the general fund of the Treasury to carry out section 21(a) of this Act, 88.34 per centum shall be available for expenditure under this section in each fiscal year only in urbanized areas with a population of 200,000 or more.

(b)(1) Funds available under subsection (a)(1) of this section shall be apportioned on the basis of a formula under which urbanized areas of less than 200,000 population or parts thereof shall be entitled to receive an amount equal to the sum of—

(A) one-half of the total amount so apportioned multiplied by the ratio which the population of such urbanized area or part thereof, as designated by the Bureau of Census, bears to the total population of all such urbanized areas in all the States as shown by the latest available Federal census; and

(B) one-half of the total amount so apportioned multipled by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

As used in this paragraph and paragraph (2)(A)(ii) of this subsection, the term 'density' means the number of inhabitants per square mile.

(2) Of the funds available under subsection (a)(2) of this section—

(A) 50.64 per centum of the amount appropriated to carry out section 21(a) of this Act shall be apportioned among urbanized areas of 200,000 population or more as follows:

(i) 25 per centum of the total amount so apportioned multiplied by the ratio which the population of such an urbanized area or part thereof, as designated by the Bureau of the Census, bears to the total population of all such urbanized areas in all the States as shown by the latest available Federal census;

(ii) 25 per centum of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary; and

(iii) 50 per centum of the amount so apportioned multiplied by the ratio which the number of bus revenue vehicle miles directly serving such urbanized area, as determined by the Secretary, bears to the total number of all bus revenue vehicle miles directly serving all such urbanized areas;

(B) 28.6 per centum of the amount appropriated to carry out section 21(a) of this Act shall be apportioned among urbanized areas of 200,000 population or more as follows:

(i) 70 per centum of the amount so apportioned multiplied by the ratio which the number of fixed guideway revenue vehicle miles directly serving the urbanized area, as determined by the Secretary, bears to the total number of all fixed guideway revenue vehicle miles directly serving all such urbanized areas; and

(ii) 30 per centum of the amount so apportioned multiplied by the ratio which the number of fixed guideway route miles directly serving the urbanized area, as determined by the Secretary, bears to the total number of all fixed guideway route miles directly serving all such urbanized ares;

(C) 6.5 per centum of the amount appropriated to carry out section 21(a) of this Act shall be apportioned among urbanized areas of 200,000 population or more as follows: in the ratio that the number of bus passenger miles traveled multiplied by the number of bus passenger miles traveled for each dollar of operating cost in each such urbanized area bears to the sum of the number of bus passenger miles traveled multiplied by the number of bus passenger miles traveled for each dollar of operating cost in all such urbanized areas; and

(D) 2.6 per centum of the amount appropriated to carry out section 21(a) of this Act shall be apportioned among urbanized areas of 200,000 population or more as follows: in the ratio that the number of fixed guideway vehicle passenger miles traveled

multiplied by the number of fixed guideway vehicle passenger miles traveled for each dollar of operating cost in each such urbanized area bears to the sum of the number of fixed guideway vehicle passenger miles traveled multiplied by the number of fixed guideway vehicle passenger miles traveled for each dollar of operating cost in all such urbanized areas.

For the purposes of this paragraph, bus and fixed guideway revenue vehicle miles which a public body provides itself or under contract which directly serve an urbanized area with a population of 200,000 or more but are provided outside of such urbanized area, and passengers served thereby, shall be included in the apportionments under this paragraph. Any such fixed guideway revenue vehicle miles provided in a State adjacent to the State or States in which such urbanized area is located, and passengers served thereby, shall be attributed to the public body in the adjacent State which contracts, directly or indirectly, for such service as if the public body were an urbanized area with a population of 200,000 or more.

(c)(1) Sums apportioned by subsection (b)(1) of this section shall be made available to the Governor in accordance with section 5(b)(2) of this Act.

(2) Sums apportioned by subsection (b)(2) of this section shall be made available to designated recipients in accordance with section 5(b)(1) of this Act.

(d) The Federal share and the non-Federal share of any project under this section shall be determined in accordance with section 5(e) of this Act, except as otherwise provided in subsection (h) of this section.

(e)(1) The provisions of sections 3(e), 3(f), 3(g), 5(k)(3), 8, 12(c), 13, 16, and 19 shall apply to this section and to every grant made under this section. No other condition, limitation, or other provision of this Act, other than as provided in this section, shall be applicable to this section and to grants made under this section.

(2) Every person receiving a grant (including any person receiving funds from a Governor under this section) shall submit to the Secretary annually a certification that such person—

(A) has or will have the legal, financial, and technical capacity to carry out the proposed program of projects;

(B) has or will have satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment, and will maintain such facilities and equipment in operational order;

(C) has or will have a competitive process to procure professional services, facilities, and equipment;

(D) will comply with the provisions of section 401 of the Surface Transportation Act of 1978;

(E) has conducted public hearings (or has afforded the opportunity for such hearings) and that these hearings included (or were scheduled to include) consideration of the economic and social effects of such program of projects, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the urbanized area or part thereof;

(F) will comply with requirements of section 5(m) of this Act;

(G) will give the rate required by section 5(m) of this Act to any person presenting a medicare card duly issued to that person pursuant to title II or title XVIII of the Social Security Act.

(f)(1) No grant shall be made under this section to any person unless the Secretary has accepted a certification for that fiscal year by that person submitted pursuant to subsection (e) of this section.

(2) Acceptance by the Secretary of a certification under this section may be rescinded by the Secretary at any time, if, in his opinion, it is necessary to do so.

(g)(1) The Secretary shall not make any grant under this section unless the applicant for the grant and any person or organization to receive benefits directly from that grant are subject to a reporting system and a uniform system of accounts and records prescribed in accordance with section 15(a) of this Act.

(2) Every person receiving a grant under this section shall submit to the Secretary annually an independent audit of grant expenditures. On the basis of such audit the Secretary shall determine whether the grant agreement has been complied with. The Secretary is authorized to make adjustments in grants made or to be made under this section, including but not limited to withholding or reducing a grant.

(h)(1) Grants made under this section may be expended for construction, or for operating assistance in accordance with paragraph (2) of this subsection.

(2)(A) In any fiscal year for which funds are authorized to carry out this section, any recipient of such funds located in an urbanized area designated as such based upon the 1970 decennial census may obligate such funds for operating assistance only in an amount not to exceed the amount of Federal funds such recipient was apportioned under sections 5(a)(1)(A), 5(a)(2)(A), and 5(a)(3)(A), or allocated from such an apportionment for operating assistance for fiscal year 1982. Any recipient of funds under this section located in such an urbanized area who had total maintenance expenditures in fiscal year 1982 in an amount more than twice the amount of Federal funds such recipient was apportioned under sections 5(a)(1)(A), 5(a)(2)(A), and 5(a)(3)(A) or allocated from such an apportionment for fiscal year 1982 must expend any funds under this section, other than for construction, only for maintenance. Any recipient of funds under this section in such an urbanized area who had total maintenance expenditures in fiscal year 1982 less than twice the amount of Federal funds such recipient was apportioned under sections 5(a)(1)(A), 5(a)(2)(A), and 5(a)(3)(A), or allocated from such an apportionment in fiscal year 1982 who elects to expend funds under this section for other than construction purposes must expend such funds only for maintenance until the expenditures equal an amount equal to at least one-half of the total expenditure by such recipient for maintenance in fiscal year 1982. Any recipient of funds under this section located in an urbanized area designated for the first time as such based upon the 1980 decennial census shall give priority in the expenditure of such funds for operating assistance to maintenance purposes.

(B) If in any fiscal year a recipient of funds subject to a limitation under the first three sentences of subparagraph (A) of this para-

graph on the use of such funds for operating assistance (including maintenance), uses for construction any part of the funds available to such recipient for operating assistance (including maintenance), the Federal share of such construction project payable from such funds for such fiscal year shall be 95 percent of the cost of such project. If an any fiscal year such a recipient uses all funds available to it under this section for construction, the Federal share of the cost of each construction project payable from that part of the funds under this section which are available without limitation under this paragraph, and from funds under section 3 of this Act, for such fiscal year shall be 90 per centum. If in any fiscal year such a recipient uses more than 50 percent but less than 100 percent of the funds under this section subject to a limitation on their use for operating assistance (including maintenance), for construction, the Federal share of the cost of each construction project payable from that part of the funds under this section which are available without limitation under this paragraph, and payable from funds under section 3 of this Act, for such fiscal year shall be 85 per centum.

(i) Sums apportioned under this section shall be available for obligation for a period of three years following the close of the fiscal year for which sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be added to the amount available for apportionment under this section for the succeeding fiscal year.

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GRANTS FOR RESEARCH AND TRAINING IN URBAN TRANSPORTATION PROBLEMS

SEC. 11. (a) * * *

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(b)(1) In addition to grants authorized by subsection (a) of this section, the Secretary is authorized to make grants for the purpose of establishing and operating transportation centers at nonprofit institutions of higher learning.

(2) The instutitions receiving assistance under thus subsection shall be selected by the Secretary, in coordination with State transportation agencies or departments, on the basis of demonstrated research and extension resources capable of contributing to the solution of State and regional transportation problems.

(3) The responsibilities and duties of each transportation center shall include, but not be limited to, the conduct of competent research investigations, both scientific and policy oriented, and experiments of either a basic or practical nature in relation to transportation problems.

(4) In order for an institution to receive Federal funds under this subsection, subject to the conditions set forth therein, such institution, in coordination with the State in which the institution is located (or, in the case of multi-institutional programs authorized under paragraph (6) of this subsection, in coordination with the States in which the participating institutions are located) shall submit to the Secretary for his approval a program or programs of proposed projects for the academic year for the utilization of such

funds. The Secretary shall act upon programs submitted to him by March 15 preceding the fiscal year for which application for assistance is made (except in the case of fiscal year 1979, for which the Secretary shall act upon programs submitted to him as soon as practicable).

[(5) As a condition to project approval, the State in which a selected institution is located must equally match from other than Federal funds the amount of the Federal grant.]

(5) As a condition to project approval, the amount of the Federal grant must be eually matched from other than Federal funds.

(6) Upon the joint application of two or more institutions of higher learning, the Secretary may approve a multi-instutional program to address regional transportation problems, subject to conditions set forth in this subsection.

(7) On or before July 1 of each fiscal year for which funds have been appropriated under this ssubsection, each participating instutution shall submit a report to the Secretary on its activities and progress in solving transportation problems. On or before October 1 of each such fiscal year, the Secretary shall submit a report to Congress on the activities and progress of the program authorized by this subsection in solving transportation problems and achieving national transportation policy objectives.

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GENERAL PROVISIONS

SEC. 12. (a) In the performance of, and with respect to the functions, powers, and duties vested in him by this Act, the Secretary shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties set forth in section 402, except subsections (c)(2) and (f), of the Housing Act of 1950. Funds obtained or held by the Secretary in connection with the performance of his functions under this Act shall be available for the administrative expenses of the Secretary in connection with the performance of such functions.

(b)(1) All contracts for construction, reconstruction, or improvement of facilities and equipment in furtherance of the purposes for which a loan or grant is made under this Act, entered into by applicants under other than competitive bidding procedures as defined by the Secretary, shall provide that the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall, for the purpose of audit and examination, have access to any books, documents, papers, and records of the contracting parties that are pertinent to the operations or activities under such contracts.

[(2) After September 30, 1979, contracts for the acquisition of rolling stock, including buses, which will result in the expenditure of Federal financial assistance under this Act, may be awarded based on consideration of performance, standardization, life-cycle costs, and other factors the Secretary may deem relevant, in addition to the consideration of intial capital costs. Where necessary, the Secretary shall assist grantees in making such evaluations.]

(2) In lieu of requiring that contracts for the acquisition of rolling stock be awarded based on consideration of performance, standardi-

zation, life-cycle costs and other factors, or on basis of lowest initial capital cost, such contracts may be awarded based on a competitive procurement process. The Secretary of Transportation shall report to Congress within a year of enactment of the Federal Public Transportation Act of 1982 on any legislative or administative revisions required to ensure that procurement procedures are fair and competitive.

(c) As used in this Act—

(1) the term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the acquisition, construction, or reconstruction of facilities and equipment for use in public transportation, including designing, engineering, location surveying, mapping, acquisition of rights-of-way, relocation assistance, acquisition of replacement housing sites, acquisition and rehabilitation, relocation, and construction of replacement housing;

(2) the term "fixed guideway" means any public transportation facility which utilizes and occupies a separate right-of-way or rails for the exclusive use of public transportation service including, but not limited to, fixed rail, automated guideway transit, and exclusive facilities for buses and other high occupancy vehicles [;] , *and also means a public transportation facility which uses a fixed catenary system and utilizes a right-of-way usable by other forms of transportation;*

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[(g) In the case of any buses acquired with Federal financial assistance provided under this Act, the Secretary shall permit the State or local body which is acquiring such buses to provide in advertising for bids for passenger seats functional specifications (which equal or exceed the performance specifications prescribed by the Secretary), based on that State or local body's determination of local requirements for safety, comfort, maintenance and life cycle costs. This subsection shall apply to the initial advertising for bids for the acquisition of buses occurring on or after the date of enactment of the Federal Public Transportation Act of 1978.]

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[TERMINAL DEVELOPMENT PROGRAM

[SEC. 21. (a) The Secretary is authorized, in accordance with this Act, and on such other terms and conditions as he may prescribe, to make grants to States and local bodies and agencies thereof to acquire, construct, or alter facilities (directly operated, operated through a lease, or otherwise) primarily for use in providing intercity bus service and in coordinating such service with other modes of transportation. Eligible facilities include, but are not limited to, real property, bus terminals, intermodal terminals, and bus passenger loading areas (including shelters). No grants shall be provided under this section unless the Secretary determines the applicant has or will have (1) the legal, financial, and technical capacity to carry out the proposed project, and (2) satisfactory continuing control, through operation, lease, or otherwise, over the use of the facilities.

[(b) No financial assistance shall be provided under this section to any State or local public body or agency thereof for the acquisition, construction, or alteration of eligible facilities unless the Secretary finds that fair and equitable arrangements have been made for the use of such facilities by privately owned bus companies. Assistance under this section shall encourage, to the maximum extent feasible, the participation of private enterprise and the use of the facilities assisted under this section by other modes of transportation.

[(c) A grant for a project under this section shall be for 80 per centum of the net project cost determined in accordance with section 4(a) of this Act. The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds.

[(d) There is authorized to be appropriated to carry out subsection (a) of this section $40,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

[(e) The provisions of section 13(c) and 3(e)(4) of this Act shall apply in carrying out projects under this section.

[INTERCITY BUS SERVICE

[SEC. 22. (a) The Secretary is authorized to make grants for the initiation, improvement, or continuation of intercity bus service for residents of rural areas and residents of urban places designated by the Brueau of the Census as having a population of five thousand or more which are not within an urbanized area as defined in section 12 of this Act. As used in this subsection and subsection (b) of this section, the term 'intercity bus service' means transportation provided to the public as a private bus operator authorized to transport passengers in interstate commerce by the Interstate Commerce Commission or in intrastate commerce by a State regulatory commission or comparable State agency (1) between one urban place as designated under this subsection and another such urban place, (2) between an urban place designated in accordance with this subsection and an urbanized area, or (3) between one urbanized area and another urbanized area, through rural areas or urban places, or both. Such term does not include local service.

[(b) Grants for the initiation, improvement, or continuation of intercity bus service under subsection (a) of this section shall be made only to States and local public bodies and agencies thereof, only for payment of operating expenses incurred in furnishing such intercity bus service, and shall not exceed 50 per centum of the net cost of such an operating expense project. The remainder of such cost shall be provided in cash from sources other than Federal funds and other than revenues from the operation of such intercity bus service. Such grants shall be subject to such other terms, conditions, and requirements as the Secretary may deem necessary to promote the initiation, improvement, or continuation of privately owned and operated intercity bus service. To the maximum extent feasible assistance shall be distributed by the Secretary only for privately owned intercity bus companies to subsidize deficit operations considering the profitability of the route as a whole. The determination of profitability shall include all income generated by

the route and only direct costs of the operation of the route. In making any such grant, preference shall be given to a private bus operator who lawfully has provided intercity bus service to a rural area or urban place during the one-year period preceding the date of application for such a grant over routes or within the general area for which financial assistance is to be provided, over any other operator to provide such service in such area or place.

[(c) There is authorized to be appropriated to carry out subsections (a) and (b) of this section not to exceed $30,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

[(d) The Secretary shall, in cooperation with States, local public bodies, and intercity bus carriers, make an evaluation of the needs of the intercity bus industry for public subsidy of expenses incurred in the provision of intercity bus service as it serves local transportation needs in areas other than urbanized areas. The Secretary shall, not later than September 30, 1979, report to Congress the results of this evaluation together with his recommendations for necessary legislation.

[(e) The provisions of section 13(c) and 3(e)(4) of this Act shall apply in carrying our projects under this section.]

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 21. (a)(1) There is hereby authorized to be appropriated to carry out the provisions of sections 3, 4(i), 8, 9, 16(b), and 18 of this Act not to exceed $3,710,000,000 for the fiscal year ending September 30, 1983, $3,910,000,000 for the fiscal year ending September 30, 1984, $4,120,000,000 for the fiscal year ending September 30, 1985, and $4,350,000,000 for the fiscal year ending September 30, 1986.

(2) In each fiscal year, 25 per centum of the sums authorized to be appropriated under this subsection shall be available from the Public Transportation Trust Fund only to carry out sections 3, 4(i), 8, and 16(b) of this Act. Notwithstanding any other provisions of law, approval by the Secretary of a grant under any such section shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.

(3) In each fiscal year, 2.93 per centum of the amount appropriated from the general fund of the Treasury under this subsection for such fiscal year shall be available to carry out section 18 of this Act and shall remain available until expended.

(b) There is hereby authorized to be appropriated to carry out sections 6, 10, 11(a), and 20 of the Act not to exceed $74,000,000 for the fiscal year ending September 30, 1983, $79,000,000 for the fiscal year ending September 30, 1984, $81,000,000 for the fiscal year ending September 30, 1985, and $83,000,000 for the fiscal year ending September 30, 1986. Sums appropriated pursuant to this subsection for financing projects funded under section 6 of this Act shall remain available until expended.

ADDITIONAL VIEWS OF GENE SNYDER

The Chairman of the Full Committee and of the Subcommittee and the Ranking Republican members are to be commended for their hard work in putting together a bill that is generally supported by the parties interested in this bill. The staff on both sides is worthy of the commendation of all the Members for their hard and thorough work.

I do have some minor disagreement with the new 4R Formula as well as the Federal pre-emption of the truck size and weight issue. However, these objection's are not sufficient to merit opposition to the bill.

However, I am concerned by the fact that the program cannot be funded by current revenues. The bill is predicated on the assumption that the Ways and Means Committee will recommend and the Congress will adopt provisions raising the motor fuel tax by as much as 5¢ per gallon. I cannot support that increase at this time. If the bill could be funded by current revenues, I would support it.

The vast majority of our people use motor fuel as a luxury only seldom. Most travel is essential for people to go to and from work and to engage in necessary commerce. Motor fuels costs already are exorbinant. They ought not to be further taxed at this time.

Further, the bill is predicated on the further assumption that 1¢ of the proposed motor fuel tax increase would be allocated to public transit. I do not support the use of highway trust funds for public transit, particularly since public transit vehicles using the highways are exempt from Highway Trust Fund taxes; that is, they do not pay into the trust fund from which they already benefit.

GENE SNYDER.

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